

Circuit Court for Worcester County
Case No: C-23-CR-17-000406

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 919

September Term, 2018

RONALD VILLALOBOS-CHAVARRIA

v.

STATE OF MARYLAND

Nazarian,
Wells,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 9, 2019

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Ronald Villalobos-Chavarria, appellant, was convicted by a jury in the Circuit Court for Worcester County of second-degree rape, second-degree sexual offense, third-degree sexual offense, fourth-degree sexual offense, perverted sex practice, and second-degree assault. On appeal, Mr. Villalobos-Chavarria contends that the trial court erred by allowing the State to make improper and prejudicial statements during its closing argument.¹

Mr. Villalobos-Chavarria concedes that he did not raise an objection to the allegedly improper statements made by the State during its closing arguments at trial, and therefore, he failed to preserve the issue for appeal. *See* Maryland Rule 8-131(a) (“Ordinarily, the appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court.”). Nonetheless, he urges this Court to exercise plain error review. Although we have discretion to review unpreserved errors, such discretion should be “rarely exercised.” *Robinson v. State*, 410 Md. 91, 104 (2009). Plain error review is “reserved for those errors that are compelling, extraordinary, exceptional or fundamental to assure the defendant of a fair trial.” *Hallowell v. State*, 235 Md. App. 484, 505 (2018) (quotation omitted). We decline to overlook the lack of preservation in this case. *See Morris v. State*, 153 Md. App. 480, 506-07 (2003) (noting that the Court’s “unfettered discretion in not taking notice of plain error requires neither justification nor explanation.”) (footnote omitted).

**JUDGMENT OF THE CIRCUIT COURT
FOR WORCESTER COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

¹ Mr. Villalobos-Chavarria contends that the State argued facts not in evidence and that the State improperly vouched for the complaining witness’s credibility.