

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 957

September Term, 2025

JOSEPH GERALD MILES

v.

STATE OF MARYLAND

Nazarian,
Leahy,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 23, 2026

Following a jury trial in the Circuit Court for St. Mary’s County, Joseph Gerald Miles, appellant, was convicted of second-degree rape. He raises a single issue on appeal: whether the court plainly erred when it “used the wrong legal standard to evaluate [his] motion *in limine* to preclude the State from presenting evidence of incriminating statements made by him during his family law proceeding.” Acknowledging that he did not raise these issues in the circuit court, he asks this Court to engage in plain error review. For the reasons that follow, we shall affirm.

Prior to appellant having been charged, he and the victim were attending a family law hearing before a magistrate judge. During that hearing, appellant, who was appearing *pro se*, stated that he might be serving 20 years because he “transgressed against [the victim]” and that the “only thing I can do is ask for forgiveness[.]” Upon realizing that appellant was referring to the possibility of a future criminal case, the magistrate judge informed him that everything was being recorded and therefore he should “just be very careful and be mindful of that” because “any admissions or any statements [] could potentially be used against you at a later date.”

Before jury selection in his criminal trial, defense counsel filed a motion *in limine* seeking to preclude the State from playing the recorded statements that he had made at the hearing before the magistrate. Specifically, counsel argued that the court should have taken additional steps to prevent appellant from inculpating himself and that the statement about his “transgressing” against the victim was too vague as to be probative. After hearing arguments from counsel, the court denied the motion, noting that it understood the parties’ positions but that it didn’t “have anything that points me to necessarily a case that has

previously addressed” the issue. It further indicated that although it had not “heard enough to grant a motion *in limine* at this point in time” it would be “happy to hear an objection at trial if somebody’s discovered something between now and then” and would “reconsider that at that point in time.” When the State introduced appellant’s statement at trial, however, defense counsel stated there was “no objection.”

On appeal, appellant does not specifically contend that the trial court wrongfully denied the motion *in limine* on the merits. Instead, he contends that because the motion involved appellant’s Fifth Amendment right against self-incrimination, the State had the “burden to show that the alleged constitutional violation did not occur.” He further asserts that the court’s statement “I haven’t heard enough to grant a motion *in limine* at this point in time” demonstrates that it was requiring “the Defense to produce enough evidence to convince it to grant the motion[,]” which was not the correct legal standard.

Although this Court has discretion to review unpreserved errors pursuant to Maryland Rule 8-131(a), the Supreme Court of Maryland has emphasized that appellate courts should “rarely exercise” that discretion because “considerations of both fairness and judicial efficiency ordinarily require that all challenges that a party desires to make to a trial court’s ruling, action, or conduct be presented in the first instance to the trial court[.]” *Ray v. State*, 435 Md. 1, 23 (2013) (quotation marks and citation omitted). Therefore, plain error review “is reserved for those errors that are compelling, extraordinary, exceptional or fundamental to assure the defendant of a fair trial.” *Savoy v. State*, 218 Md. App. 130, 145 (2014) (quotation marks and citation omitted). Under the circumstances presented, we decline to overlook the lack of preservation and thus do not exercise our discretion to

engage in plain error review of this issue. *See Morris v. State*, 153 Md. App. 480, 506-07 (2003) (noting that the five words, “[w]e decline to do so[,]” are “all that need be said, for the exercise of our unfettered discretion in not taking notice of plain error requires neither justification nor explanation”) (emphasis omitted). Consequently, we shall affirm the judgment.

**JUDGMENT OF THE CIRCUIT
COURT FOR ST. MARY’S COUNTY
AFFIRMED. COSTS TO BE PAID
BY APPELLANT.**