

Circuit Court for Baltimore County  
Case No. C-03-CR-22-000159

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 1137

September Term, 2024

---

DIAMOND DINGLE

v.

STATE OF MARYLAND

---

Leahy,  
Zic,  
Geller, Jeffrey M.  
(Specially Assigned),

JJ.

---

Opinion by Zic, J.

---

Filed: March 19, 2026

\* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Appellant Diamond Dingle was convicted of second-degree murder and second-degree assault in connection with the December 27, 2021 stabbing death of Dominic Thornton, Jr., and the stabbing of El-Shaddai Augustus-Roland. Following a jury trial in the Circuit Court for Baltimore County, Mr. Dingle was sentenced to 40 years of imprisonment for second-degree murder and ten years (with five suspended) for second-degree assault, to be followed by five years of supervised probation.

### QUESTIONS PRESENTED

Mr. Dingle timely appealed and presented three questions for our review, which we have recast as two and rephrased as follows:<sup>1</sup>

1. Did the circuit court violate Maryland Rule 4-215?
2. Did the circuit court err in permitting N.'s<sup>2</sup> testimony?

For the reasons that follow, we answer both of Mr. Dingle's questions in the affirmative. Accordingly, we vacate and remand for a new trial not inconsistent with this opinion.

---

<sup>1</sup> Mr. Dingle phrased the questions as follows:

1. Did the circuit court fail to comply with M[aryland] Rule 4-215(e), when at a pretrial hearing it allowed Mr. Dingle to discharge his attorney without complying with the rule?
2. Did the circuit court fail to comply with M[aryland] Rule 4-215(e), when Mr. Dingle sought to discharge his counsel before the commencement of the trial?
3. Did the trial court err in permitting [N.'s] testimony?

<sup>2</sup> We refer to Mr. Dingle's former girlfriend using an anonymized initial.

## **BACKGROUND**

On December 27, 2021, Dominic Thornton, Jr. went to the home of his former girlfriend, N., to drop off Christmas presents for their two children. At the time, N. was in a relationship with Mr. Dingle, and the two men “d[id]n’t get along” and “d[id]n’t like each other.”

When Mr. Thornton arrived, he initially came to the door without the gifts. According to N., Mr. Thornton “bum-rushed” past her and attacked Mr. Dingle inside the home. After this initial altercation, N. closed the door and told Mr. Thornton to get the gifts from his car. When Mr. Thornton returned to his vehicle, Mr. Dingle’s friend El-Shaddai Augustus-Roland exited the passenger side. Mr. Dingle then ran outside with a metal object in his hand. N. saw Mr. Thornton on the ground and discovered he had been stabbed in the chest. Mr. Augustus-Roland also sustained a laceration on his arm. Mr. Thornton died from his wound.

The incident was captured on a Ring camera video. At trial, Mr. Dingle testified in his own defense, claiming he acted in self-defense after being attacked by Mr. Thornton and feared for his safety when Mr. Thornton returned to the house with Mr. Augustus-Roland.

The procedural history relevant to this appeal involves several hearings concerning Mr. Dingle’s representation:

*January 5, 2023 Discharge of Counsel Hearing*

After nearly one year of representation by Assistant Public Defender Ms. “B.”<sup>3</sup> Mr. Dingle expressed his desire to discharge her on January 5, 2023, during a meeting at the detention center. Following that meeting, Ms. B. initiated a discharge hearing to address Mr. Dingle’s statements.

A colloquy between the circuit court, Mr. Dingle, and Ms. B. ensued as follows:

THE COURT: All right. So, Mr. Dingle, I owe you a hearing on any requests that you make to discharge your attorney or to get another attorney --

MR. DINGLE: Yes, sir.

THE COURT: --which is why we’re here today.

So Ms. [B.] has told me that you expressed some dissatisfaction with her services and wish to discharge her.

MR. DINGLE: Yes.

THE COURT: Now, Ms. [B.], are you satisfied that Mr. Dingle understands [the] nature and elements of the charges lodged against him?

MS. [B.]: Yes.

THE COURT: And he’s been served with a copy of the indictment and is up to date with discovery?

MS. [B.]: Yes.

The court then proceeded to the waiver inquiry:

THE COURT: Okay. So, Mr. Dingle, I’ll give you an opportunity now to express anything you wish with regard to your request to discharge Ms. [B]. But you must understand two things. Number one, you do not have the opportunity to

---

<sup>3</sup> We refer to Mr. Dingle’s former counsel using an anonymized initial.

insist upon another Public Defender to represent you, that's not the way this works.

The rules of the Public Defender's Office are that once you discharge an attorney from that office, you're discharging the entire office. So you can't ask for another attorney if I allow you to discharge Ms. [B].

And the other thing is, if you have another attorney who's ready and willing and able to enter an appearance on your behalf, you can let me know about that as well.

But if I grant your request for a discharge, you're going to be without an attorney unless you have another attorney. And it's important that you understand that and you can't demand that another attorney be assigned to represent you from the Office of the Public Defender.

Okay. So let's hear your request, your list of dissatisfactions with Ms. [B].

MR. DINGLE: I understand what you [are] saying about me *not being able to have another attorney represent me*, but I feel like I should have another attorney represent me because I'm asking her to do things for me and she's telling me I don't need that and I'm telling her that the evidence, we need more evidence and we need the whole video and she telling me it is what it is. And that's just what it's going to be and stuff like that.

She don't got my best interest, so I need somebody else to represent me. Somebody who is going to fight for me. She's not doing that. She's not doing what I need her to do. I'm asking for a private investigator. She's telling me no, we're not getting that. I'm asking for things that I need and she [is] not helping me.

THE COURT: So tell me, we need to get specific about this. What is it that you've asked her to do that she has not done?

MR. DINGLE: I'm telling her that we need to get a private investigator to go search for the whole video because the video that they have on me is biased, you know what I'm saying.

THE COURT: Well, no, no, I don't.

MR. DINGLE: That we don't need it. She [is] telling me we're not doing it and we don't need it and they have what they have and it is what it is. And I don't feel comfortable with her representing me.

THE COURT: So you believe that you need a private investigator to get the whole video. Do you believe you've only gotten part of a video?

MR. DINGLE: Yes.

THE COURT: What's the video? Is it security camera or --

MR. DINGLE: Yeah. It's a Ring camera around in the neighborhood. And it's more cameras that's on that block that hasn't been gotten yet. So I want all them cameras. I want the whole video to the camera that they [are] saying that they got the video to. I want, I want, I want justice for this, like, I mean I need more. I need more done. She [is] not doing it.

THE COURT: All right. What other complaints do you have aside from this video business?

MR. DINGLE: I mean she [is] just not helping me. She ain't doing her job.

THE COURT: Well you need to be more specific than that.

MR. DINGLE: She's doing what she want[s] to do.

THE COURT: Is there anything else that you've asked Ms. [B.] to do and she said no?

MR. DINGLE: I mean, no that's it really.

THE COURT: That's it?

MR. DINGLE: Yeah.

THE COURT: Okay. Is there anything that you asked her not to do and she went ahead and did it [anyway]?

MR. DINGLE: Not really.

\* \* \*

THE COURT: Any other complaints that you have about Ms. [B.]’s services?

MR. DINGLE: No.

The court proceeded to clarify the evidence that Mr. Dingle wanted Ms. B. to request, and Mr. Dingle’s assertions that he had not been provided with full discovery by the State. Ms. B. affirmed that she had reviewed all the evidence with Mr. Dingle. The State affirmed that Mr. Dingle had been provided with all the evidence to which he was entitled, including all witness interviews. Mr. Dingle explained to the court that he was unable to watch all of N.’s interview because Ms. B. had paused the video, and he walked out in the middle of their meeting.

After the court confirmed with Mr. Dingle that he had explained all his grievances with Ms. B.’s representation, the following colloquy ensued:

THE COURT: There’s absolutely no reason to conclude that there’s a meritorious reason for discharge in this case.

MR. DINGLE: Of course.

THE COURT: Ms. [B.] is evaluating the discovery, furnishing it to [Mr. Dingle]. He doesn’t like I guess what he sees, but there’s no meritorious reason for a discharge here.

Now, Mr. Dingle. Having said that, you can still fire [Ms. B.] if you wish, but you cannot insist that the Public Defender’s Office give you a different attorney under those circumstances.

And so most judges, all judges would say to you that it’s not wise to fire Ms. [B.] right now, even though you have the right to do that, because you’re going to be without counsel.

You're going to have no attorney, unless you have somebody else willing to step in, and I gather that's not the case?

MR. DINGLE: I mean not right now but I can work on it. I'd rather work on it by myself than to have her represent me. She's going to send me up the road anyway, so, yeah, I want to fire her.

THE COURT: Well, you're free -- any time you or your family--

MR. DINGLE: I want to fire her right now, like, yeah.

THE COURT: I'm sorry?

MR. DINGLE: I want to fire her right now.

THE COURT: Okay. I'm trying to explain to you what a bad idea that would be. So just listen to me one more minute.

MR. DINGLE: I'm listening.

THE COURT: Again, if you fire her right now you will be without an attorney. If you don't fire her right now, she'll still be your attorney, but if you or your family hire a private attorney to represent you, then Ms. [B.] would be happy to furnish that private attorney with all the information and her mental impressions about your defense.

So for that reason alone it is objectively unwise for you to discharge her today just because you seem to be anxious about things.

So having said that, do you wish to maintain Ms. [B.] as your attorney unless and until you hire another attorney to represent you in the case?

MR. DINGLE: She can go ahead.

THE COURT: I'm sorry?

MR. DINGLE: She can go ahead. I want to fire her.

THE COURT: Again, I recommend that you can do that when another attorney enters an appearance. If you do it

today you're not going to have an attorney. So do you understand what I'm saying?

MR. DINGLE: I understand what you're saying, but I can get one. I can get one while she's gone. I can get another attorney while she's gone.

THE COURT: That's true.

MR. DINGLE: Right.

THE COURT: What happens if you can't find somebody who will represent you or you can't find somebody who you can afford to represent you.

MR. DINGLE: I'm going to find somebody. It's not [a] problem.

THE COURT: And then you're without an attorney.

MR. DINGLE: I'm going to find somebody.

THE COURT: All right. Well, Mr. -- so do you wish to fire Ms. [B.] right now?

MR. DINGLE: Yes.

THE COURT: Okay. This is a terribly unwise decision. Any court reviewing this hearing must understand that I've done everything in my power to convince this man that he should not make this decision, but he has a right to self represent, which he will be doing if he -- as soon as he affirms that he wishes to fire Ms. [B].

If no other attorney enters an appearance, we are not going to give you a postponement of this March trial date.

Do you understand that this case has been on a trajectory for trial for some period of time and if you come in here late February or early March and say I'm really close to getting a lawyer, but I haven't been able to afford him yet, you're going to be without an attorney and we are not going to postpone this case.

Am I making myself clear? I'm not trying to be a tough guy or a bully or anything.

MR. DINGLE: I understand. I understand.

THE COURT: But you're making a terrible mistake here.

MR. DINGLE: I don't think I am.

THE COURT: And I'm just trying to convince you that you're doing--

MR. DINGLE: I don't think I am.

THE COURT: Okay. Well you're wrong.

MR. DINGLE: I'd rather represent myself than to let her represent me. I'd rather it be in my own hands than to be in her hands.

THE COURT: Okay. So if you're unable to hire a private attorney, you would be representing yourself come March 15th?

MR. DINGLE: Yes.

THE COURT: Okay. All right. Well I'm satisfied -- how far did you go in school, Mr. Dingle?

MR. DINGLE: I finished school.

THE COURT: Okay. So Mr. Dingle seems to be rational. He seems to be able to put his thoughts together well, though I don't agree with any of those thoughts. But what do I know, I've only been doing this for 23 years.

I am going to allow him to fire Ms. [B.] and he will then be representing himself. Is there anything you wish for me to advise you of right now concerning the trial date or the status of the case or the charges against you?

MR. DINGLE: No.

The court then confirmed that Ms. B. would furnish Mr. Dingle with the discovery in the case, and permitted Mr. Dingle to fire Ms. B., which he proceeded to do. Ms. B.

further noted that she also represented Mr. Dingle in a separate criminal case, and the following colloquy ensued:

THE COURT: Okay. Do you wish to fire Ms. [B.] in that case as well?

MR. DINGLE: Yes.

THE COURT: Okay.

\* \* \*

THE COURT: So, again, the question is, are you satisfied that Mr. Dingle understands the nature and elements of the charges lodged against him in that case, has been advised of any appropriate defenses?

MS. [B.]: Yes.

THE COURT: Okay.

\* \* \*

THE COURT: Take him away. . . . Mr. Dingle has fired in my presence Ms. [B].

***February 17, 2023 Postponement Hearing***

Less than two months later, Mr. Dingle appeared unrepresented and indicated that he had reapplied for services from the Office of the Public Defender. The court granted a postponement of the March 15 trial date, permitting the State to choose a new trial date “go[ing] into summer or September” because Mr. Dingle had requested the postponement.

***March 3, 2023 Postponement Hearing***

During a postponement hearing, on March 3, 2023, Mr. Dingle’s former attorney, Ms. B., appeared and indicated her appearance had not yet been re-entered. When asked

about his choice, Mr. Dingle stated: “I mean, I ain’t got no choice. I’ll take her back, but I don’t really feel comfortable with it. I just ain’t got no choice right now.” After further colloquy, Mr. Dingle affirmed that he wished to have his former attorney represent him. The court made “a finding that the decision on the part of Mr. Dingle is free, knowing, voluntary and intelligent.”

***April 14, 2023 Hearing on Discharge of Counsel***

The following month, Mr. Dingle, again, requested to discharge Ms. B., citing concerns over Ms. B.’s purported refusal to file motions for additional discovery. The court again found Mr. Dingle’s reasons for discharge without merit, but this time, the court declined to grant the discharge.

***November 29, 2023 First Day of Trial***

In open court, in the moments preceding voir dire, Mr. Dingle and his attorney had a conversation that was captured on the record.

The conversation proceeded as follows:

MS. [B.]: [(To Mr. Dingle)] I don’t know what you mean.

MR. DINGLE: Just what we just talked about.

MS. [B.]: Which video?

MR. DINGLE: The one I was telling you about.

MS. [B.]: No. It doesn’t have anything to do with that.

MR. DINGLE: Why? Why?

MS. [B.]: What they’re asking now is are you ready to proceed.

MR. DINGLE: It's got something to do with it, though, that's what I'm saying like. Why couldn't you -- why can't you ask.

MS. [B.]: It's not something I've seen.

MR. DINGLE: Well, you can do that.

MS. [B.]: That's going to be prohibited, sir.

MR. DINGLE: How? You can do that. You can see it right now.

MS. [B.]: I've already answered your question, so no.

MR. DINGLE: *Everything that I got going for myself it seem[s] like you don't want to help me with it or if anything that look[s] good for me, you don't want it -- like it just don't make sense. It don't.*

THE COURT: All right. Are both sides ready to proceed to jury selection?

\* \* \*

THE COURT: Was there a stipulation that you wish to discuss before we begin?

MR. DINGLE: That video --

\* \* \*

MR. DINGLE: *You not trying, though, that's what I'm saying. You just going off of how you feel about it.*

[THE STATE]: The other aspect of this regarding this stipulation--

MR. DINGLE: I've been telling you that since I met you. It is what it is. *It's like you're not trying to fight for me. You're not trying to strive, you're not trying to -- you're not trying to do the most to fight this case.* Like seriously. You've been telling me that since day one about the video, about the Ring camera video. It is what it is. And now you just said that on the record and [the judge at the discharge hearing] said he

don't believe me, but you're saying it right now, it is what it is.

*Like what do you mean it is what it is? This is my life, like. Yeah, I want to fight this to the fullest. I want the truth to come out. I want everything to be understood. And that video [is] going to help me, so I need you to say something. I need you to say something about it.*

THE COURT: I'm sorry, I can't help but overhear what [Mr. Dingle] is saying to his attorney. In reference to videos, to be clear we had a pretrial motions hearing regarding videos; correct?

\* \* \*

THE COURT: Those decisions have been made already; correct?

[THE STATE]: Yes.

\* \* \*

MR. DINGLE: I know, listen, *she ain't trying to help me to her fullest thing.*

THE COURT: Ms. [B.], is there anything you want to put on the record regarding your client's comments just now?

(Emphases added.)

Ms. B. explained to the court that Mr. Dingle wanted to introduce evidence (a recording) that she believed was inadmissible.

THE COURT: All right. Well, Mr. Dingle, thank you for alerting us to your thoughts on that matter.

Right now we're here for the jury selection process and the jury selection process only and we have about 100 jurors waiting to begin this jury selection process, so we're about to do that.

MR. DINGLE: That's cool.

THE COURT: That's cool? Then we're cool. Okay.

Anything else before we begin from the State?

MR. DINGLE: So it can't -- it wouldn't be able to be admitted?

THE COURT: Right now nothing -- we're not at the trial stage, Mr. Dingle, so no evidence is going to be admitted.

Right now it is our goal to pick a jury to begin this trial.

MR. DINGLE: Okay.

THE COURT: The evidentiary portion will come later. What happens there, I don't -- I don't know. I don't have a crystal ball regarding what the State intends on doing.

MR. DINGLE: Cool.

THE COURT: All right. Anything else? From the State?

\* \* \*

THE COURT: From Ms. [B.]?

MS. [B.]: Mr. Dingle, do you still want me to represent you for this trial?

MR. DINGLE: Yup. I sure do.

THE COURT: Excellent. All right. We'll start the jury selection process momentarily.

During trial, the State called N. as a witness. N. testified about the events of December 27, 2021, including that there had been tension between Mr. Thornton and Mr. Dingle arising from a prior incident, which occurred during a FaceTime call. The testimony went as follows:

[THE STATE]: So [] you and [Mr. Thornton] [were] on a Face[T]ime call and [Mr. Dingle] was present in your house?

[N.]: Uh-huh.

[THE STATE]: What happened during that Face[T]ime call?

[N.]: [Mr. Dingle] acting like why is you calling her? Why is you calling her? And [Mr. Thornton] was like that's my baby's mother, I'm going to call her. I'm going to call her when I want to. The words were exchanged back and forth. I can't remember exactly what was said like verbatim, but my baby's father kept saying . . . you mad because I'm still messing with her or something like that.

And then [Mr. Dingle] got mad.

[THE STATE]: And what happened when [Mr. Dingle] got mad?

[N.]: He put his hands on me.

[THE STATE]: And did [Mr. Thornton] see that?

[N.]: Yeah.

[COUNSEL FOR MR. DINGLE]: Objection. Move to strike.

THE COURT: Overruled.

Later in her testimony, the State asked N. about her relationship with Mr. Dingle after the stabbing, and she provided the following testimony:

[THE STATE]: Did your relationship with [Mr. Dingle] continue after December 27th, 2021?

[N.]: Yeah.

[THE STATE]: And could you describe that relationship?

[N.]: I was just talking to him because I was still living around there so I didn't want anything to, you know, happen to me and my kids--

[COUNSEL FOR MR. DINGLE]: Objection.

[N.]: --before we moved.

THE COURT: Overruled.

On December 4, 2023, the jury convicted Mr. Dingle of second-degree murder of Mr. Thornton and second-degree assault of Mr. Augustus Roland, acquitting him of first-degree murder and first-degree assault. On December 8, 2023, Mr. Dingle moved for a new trial “[i]n the interest of justice,” arguing that “[t]he verdict was against the weight of the evidence.” On December 22, 2023, the court denied the motion for new trial. On January 3, 2024, Mr. Dingle filed a *pro se* motion for new trial. On January 29, 2024, the court again denied the motion. On August 6, 2024, Mr. Dingle was sentenced. This timely appeal followed.

## DISCUSSION

### I. THE CIRCUIT COURT DID NOT COMPLY WITH MARYLAND RULE 4-215(e).

#### A. Parties’ Arguments

Mr. Dingle first argues that the circuit court violated the requirements of Maryland Rule 4-215(e) “in ruling on his pretrial request to discharge counsel on January 5, 2023.” Mr. Dingle contends that “[t]he [circuit] court erred and violated Mr. Dingle’s rights under Rule 4-215[] by failing to advise him of the nature of the charges and the allowable penalties, of his right to counsel, and failing to conduct a waiver hearing.”

The State argues “that, if there was error here, then any error was cured—not harmless—long before trial commenced” because “a change of circumstances before . . . trial[] may cure any alleged 4-215-related error occurring months before trial[] and [the State] did so in this case.” The State contends, citing to *Broadwater v. State*, 171 Md. App. 297, 319 (2006), and *Laser Womack v. State*, 244 Md. App. 443, 470-71 (2020),

that, because Mr. Dingle “was ultimately represented at trial by that same attorney who he claims on appeal was improperly discharged on January 5, 2023[,] . . . any alleged error in discharging counsel without complying with Rule 4-215 was cured well before [Mr.] Dingle’s trial by that same counsel’s entry of her appearance and cannot form the basis of reversible error on appeal.” Moreover, the State argues that “[t]he court [] confirmed, based on defense counsel’s representations to the court, that [Mr.] Dingle understood the charges[.]”

As for the moments immediately preceding voir dire, Mr. Dingle argues that the court erred in failing to initiate a waiver inquiry following Mr. Dingle’s statements.

The State argues that “there was never a request to discharge [Ms. B.,] and, importantly, the record reflects that the judge was only aware of a disagreement about the admissibility of certain evidence[.]” The State argues, alternatively, that Mr. Dingle’s affirmation that he wanted Ms. B. to continue representing him “negated any possible continuing 4-215(e) obligation.”

## **B. Standard of Review**

“In addressing the circuit court’s compliance with [Maryland] Rule 4-215(e), we apply a *de novo* standard of review.” *State v. Graves*, 447 Md. 230, 240 (2016) (citations omitted); *see also Gutloff v. State*, 207 Md. App. 176, 180 (2012) (“We review *de novo* whether the circuit court complied with Rule 4-215.”). “In light of the fundamental rights implicated, [Maryland] Rule 4-215(e) provides a ‘precise rubric[]’ with which we demand ‘strict compliance.’” *Graves*, 447 Md. at 241 (quoting *Pinkney v. State*, 427 Md. 77, 87 (2012) (citations omitted)). “[A] trial court’s departure from [the mandates of

Rule 4-215(e)] constitutes reversible error.” *Pinkney*, 427 Md. at 88 (citing *State v. Hardy*, 415 Md. 612, 621 (2010); *Broadwater*, 401 Md. at 182; *Williams v. State*, 321 Md. 266, 272 (1990)); *see also Brye v. State*, 410 Md. 623, 637 (2009) (“[F]ailure to comply strictly with Rule 4-215 constitutes reversible error.”) (citation omitted).

### C. Legal Framework

We begin with an overview of Maryland Rule 4-215. Under the Sixth Amendment of the United States Constitution, a defendant in a criminal case has the right to counsel. U.S. CONST. amend. VI; Md. Const. Declaration of Rights, Art. 21. “As part of the implementation and protection of [the] fundamental right to counsel, the [Supreme] Court [of Maryland] adopted Rule 4-215.” *State v. Camper*, 415 Md. 44, 55 (2010) (quoting *Knox v. State*, 404 Md. 76, 87 (2008)). “Maryland Rule 4-215 implements a defendant’s right to waive counsel, and incorporates safeguards to ensure that the defendant is acting knowingly and voluntarily in making that choice.” *Dykes v. State*, 444 Md. 642, 651 (2015); *see also Lopez v. State*, 420 Md. 18, 31 (2011) (“Rule 4-215 was intended to implement both the Sixth Amendment and the Article 21 right to counsel in criminal cases, as well as the Sixth Amendment right of self[-]representation.”).

“The Rule ‘provides an orderly procedure to insure that each criminal defendant appearing before the court be represented by counsel, or, if he is not, that he be advised of his Sixth Amendment constitutional right to the assistance of counsel, as well as his correlative constitutional right to self-representation.’” *Camper*, 415 Md. at 55 (quotation omitted); *see also Lopez*, 420 Md. at 31 (“The Rule contains detailed

procedural requirements concerning waiver of counsel in criminal cases.”). “The Rule exists as a ‘checklist’ that a judge must complete before a defendant’s waiver can be considered valid; as such, it mandates strict compliance.” *Camper*, 415 Md. at 55 (citation omitted); *see also Grant v. State*, 414 Md. 483, 489 (2010) (“Because of the fundamental nature of the right to counsel, any waiver of the right must comply absolutely with the requirements of Rule 4-215.”).

Maryland Rule 4-215(a)(1)–(4) outlines the court’s duties, providing:

**(a) First Appearance in Court Without Counsel.** At the defendant’s first appearance in court without counsel, or when the defendant appears in the District Court without counsel, demands a jury trial, and the record does not disclose prior compliance with this section by a judge, the court shall:

- (1) Make certain that the defendant has received a copy of the charging document containing notice as to the right to counsel.
- (2) Inform the defendant of the right to counsel and of the importance of assistance of counsel.
- (3) Advise the defendant of the nature of the charges in the charging document, and the allowable penalties, including mandatory penalties, if any.
- (4) Conduct a waiver inquiry pursuant to section (b) of this Rule if the defendant indicates a desire to waive counsel.

The Supreme Court of Maryland held that “[b]efore a court may find that a defendant has waived the right to counsel, the court must be satisfied that the defendant is informed of the risks of self-representation, and of the punishments which may be imposed.” *Knox*, 404 Md. at 87.

“[T]here is a presumption that when all else is equal, the right to counsel will prevail over the right to *pro se* representation. To rebut that presumption, there must be a ‘knowing and intelligent’ waiver of the right to counsel in order to establish the correlative right to self-representation.” *Muhammad v. State*, 177 Md. App. 188, 240-41 (2007) (citing *Faretta v. California*, 422 U.S. 806, 835 (2007); *Adams v. United States ex rel. McCann*, 317 U.S. 269, 279 (1942); *Johnson v. Zerbst*, 304 U.S. 458, 464-65 (1938)). The Supreme Court of Maryland has explained that, “[w]hen an accused manages his own defense, he relinquishes . . . many of the traditional benefits associated with the right to counsel.” *Brye*, 410 Md. at 634 (quoting *Faretta*, 422 U.S. at 835). The Court noted, “for a defendant’s waiver of counsel to be effective, ‘the accused must “knowingly and intelligently” forgo those relinquished benefits,” which can only occur when “[t]he accused [is] [] made aware of the dangers and disadvantages of self-representation, so that the record will establish that ‘he knows what he is doing and his choice is made with eyes open.’” *Brye*, 410 Md. at 634-35 (quoting *Adams*, 317 U.S. at 279).

This Court held that 4-215(a)(2) was satisfied where the circuit court “stated on the record that ‘a lawyer can be very helpful . . . in preparing information for the [c]ourt to consider.’” *Webb v. State*, 144 Md. App. 729, 746 (2002). We explained that, “[i]n our view, that is tantamount to advising that the assistance of counsel is important and, therefore, constitutes strict compliance with subsection (a)(2).” *Id.*; see also *Randolph v. State*, 193 Md. App. 122, 139-40 (2010) (holding Rule 4-215(a)(2) was satisfied where the circuit court asked the defendant, “Do you understand that you have a right to a lawyer?” and “further advised the [defendant]: I want to point out that *it’s dangerous for*

*you to represent yourself because as a lawyer, he knows a lot more [about] how to protect your interest and how to defend you than you do. Okay?”).*

Maryland Rule 4-215(e) specifies the court’s responsibilities when “a defendant already is represented and seeks to discharge counsel.” *Dykes*, 444 Md. at 651. The Rule states:

**(e) Discharge of Counsel--Waiver.** If a defendant requests permission to discharge an attorney whose appearance has been entered, the court shall permit the defendant to explain the reasons for the request. If the court finds that there is a meritorious reason for the defendant’s request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds no meritorious reason for the defendant’s request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. If the court permits the defendant to discharge counsel, it shall comply with subsections (a)(1)–(4) of this Rule if the docket or file does not reflect prior compliance.

Md. Rule 4-215(e).

A state may not compel a defendant to accept a lawyer the defendant does not want. *Muhammad*, 177 Md. App. at 239 (citation omitted). “The Court interpret[s] Rule 4-215(e) to require trial courts[, upon a request to discharge counsel,] to: 1) allow defendants an opportunity to explain the bases of their request, and 2) determine if any of them are meritorious.” *McCree v. State*, 214 Md. App. 238, 268 (2013), *aff’d*, 441 Md. 4 (2014) (citing *Williams*, 321 Md. at 274).

The Supreme Court of Maryland has noted that “[Maryland] Rule 4-215(e)[] [] does not give definition to what constitutes a ‘request’ to discharge counsel, . . . and the Rule’s history ‘contains no commentary on the meaning of the phrase ‘requests’ permission to discharge an attorney.’” *Gambrill v. State*, 437 Md. 292, 302 (2014) (citing *State v. Campbell*, 385 Md. 616, 628 n.4 (2005)); *Williams v. State*, 435 Md. 474, 486-87 (2013). A Rule 4-215 inquiry is sufficiently triggered by “any statement by the defendant from which the court could reasonably conclude that the defendant desired self-representation[.]” *Campbell*, 385 Md. at 629 (quoting *Snead v. State*, 286 Md. 122, 127 (1979)); *see also Leonard v. State*, 302 Md. 111, 124 (1985) (“[A] defendant is not required to utter a talismanic phrase so as to place the court on notice that he desires self-representation.”).

A defendant’s statements indicating dissatisfaction with his attorney are sufficient to trigger the Rule 4-215 inquiry requirement. *Campbell*, 385 Md. at 631-32 (citing *Fowlkes v. State*, 311 Md. 586 (1998) (“holding that the defendant’s statements that his counsel did not have ‘the true evidence,’ and his comments, ‘I don’t think she is any help to me anyway. If possible I would rather get rid of her, get a new attorney’ were sufficient to warrant the trial court’s inquiry of the defendant’s desire of self-representation”)). In *Campbell*, the Supreme Court concluded that the inquiry requirement was triggered by the defendant’s statements expressing “dissatisfaction with his attorney,” including the following statements: “I don’t like this man as my representative”; “We had conflicts way before this ever started, man in the first trial”; “The man told me he ain’t going to represent me”; “He ain’t have my best interest at

heart”; and “[Y]ou all wouldn’t let me fire him.” 385 Md. at 632. The Court held that, from these expressions, the inquiry requirement was triggered because “a [circuit] court reasonably could deduce that [the defendant] sought to discharge his counsel.” *Id.*

A court’s duty to initiate a waiver inquiry is not triggered when the defendant “ha[s] the opportunity to request permission to discharge” counsel but never presents such a request to the court in pretrial proceedings. *State v. Northam*, 421 Md. 195, 207 (2011). Nevertheless, “Rule 4-215(e) does not contemplate that a criminal defendant is trained in the law, and as such, the rule does not expect that a defendant will know to proffer information that is not solicited by the court.” *Graves*, 447 Md. at 253. “Where *the court* is unsure about whether the defendant is dissatisfied with his or her counsel, *the court* should clear up any ambiguity by questioning the defendant regarding the statement to avoid the risk of reversal on appeal.” *Id.* at 242 (citing *State v. Davis*, 415 Md. 22, 35 (2010)). (Emphases added.)

Maryland Rule 4-215(b) outlines the court’s duties in conducting a waiver inquiry.

It provides:

**(b) Express Waiver of Counsel.** If a defendant who is not represented by counsel indicates a desire to waive counsel, the court may not accept the waiver until after an examination of the defendant on the record conducted by the court, the State’s Attorney, or both, the court determines and announces on the record that the defendant is knowingly and voluntarily waiving the right to counsel. If the file or docket does not reflect compliance with section (a) of this Rule, the court shall comply with that section as part of the waiver inquiry. The court shall ensure that compliance with this section is noted in the file or on the docket. At any subsequent appearance of the defendant before the court, the docket or file notation of compliance shall be prima facie proof of the

defendant’s express waiver of counsel. After there has been an express waiver, no postponement of a scheduled trial or hearing date will be granted to obtain counsel unless the court finds it is in the interest of justice to do so.

Md. Rule 4-215(b).

**D. Analysis**

**1. January 5, 2023 Discharge of Counsel Hearing**

**a. The circuit court did not comply with Rule 4-215(a)(2).**

Mr. Dingle contends that “the court did not comply with [Maryland Rule 4-215](a)(2), by failing to inform Mr. Dingle of his right to counsel and the importance of counsel.” We agree. Though the court repeatedly informed Mr. Dingle that, should he fire Ms. B., he would be “without counsel,” nowhere did the court inform Mr. Dingle of his Sixth Amendment right to counsel, as required by Rule 4-215(a)(2). *See Camper*, 415 Md. at 55 (citing *Knox*, 404 Md. at 87). As explained above, the court’s statement that Mr. Dingle had a “right to self-represent” did not satisfy its obligation to inform him of his right to counsel, as the two rights are “correlative[,]” but distinct. *Id.* (quoting *Knox*, 404 Md. at 87); *see also Lopez*, 420 Md. at 31 (describing the right to counsel and the right of self-representation as separate rights).

We note that the court’s statement that Ms. B. “would be happy to furnish [a] [later-hired] private attorney with all the information and her mental impressions about [his] defense[.]” could satisfy Rule 4-215(a)(2)’s requirement that the court inform Mr. Dingle of the *importance* of counsel. *See Webb*, 144 Md. App. at 746. Nonetheless,

because the court did not inform Mr. Dingle of his *right* to counsel, the court did not satisfy Rule 4-215(a)(2).

Therefore, we hold that the circuit court committed reversible error for lack of compliance with Rule 4-215(a)(2). Though a violation of Rule 4-215(a)(2) alone is sufficient to warrant reversal, the court’s lack of strict compliance with Md. Rule 4-215(a)(3), explained below, likewise provides independent grounds for reversal.

***b. The circuit court did not comply with Rule 4-215(a)(3).***

Further, Mr. Dingle contends that “the court did not comply with [Maryland Rule 4-215](a)(3), by failing to advise Mr. Dingle of the nature of the charges and the allowable penalties for those charges” because the court “inquire[d] as to whether *counsel* was ‘satisfied that Mr. Dingle understands the nature and elements of the charges’ against him[,]” rather than directly providing this information to Mr. Dingle.

The Rule requires the circuit court to “[a]dvice the defendant of the nature of the charges in the charging document, and the allowable penalties, including mandatory penalties, if any.” Md. Rule 4-215(a)(3). This subsection “exists to ensure that a defendant is made aware of all pending charges and associated penalties.” *Brye*, 410 Md. at 637. In *Johnson v. State*, the Court “conclude[d] that to avoid confusion on the part of an accused and to protect the fundamental right to counsel, the subsection (a) advisements must be given in strict accordance with [Maryland] Rule 4-215, by the correct *court*[.]” 355 Md. 420, 461 (1999) (emphasis added). Thus, “[s]trict compliance with Rule 4-215 precludes a finding of waiver of counsel by inaction based on advisements given by *anyone other than a judge or the court*.” *Webb*, 144 Md. App. at

743 (holding that advisements given “by an Assistant State’s Attorney [were] insufficient because a prosecutor is neither a judge nor a court”) (citing *Johnson*, 355 Md. at 455) (emphasis added).

Moreover, though the circuit court asked Mr. Dingle, “Is there anything you wish for me to advise you of right now concerning the trial date or the status of the case or the charges against you?,” this question is insufficient to satisfy subsection (a)(3), which, in no uncertain terms states that “the court *shall* . . . [a]dvice the defendant of the nature of the charges in the charging document, and the allowable penalties, including mandatory penalties, if any.” Md. Rule 4-215(a)(3). The Rule requires that the court give this advice regardless of the defendant’s wishes to hear it.

Because Mr. Dingle’s defense counsel, like “a prosecutor[,] is neither a judge or a court[,]” *Webb*, 144 Md. App. at 743, and nothing in the record establishes that the circuit court independently advised Mr. Dingle of the charges and potential penalties, we hold that the circuit court committed reversible error for lack of compliance with Rule 4-215(a)(3).

We are unpersuaded by the State’s argument that the circuit court’s deficient advisements were “cured well before trial” by virtue of Ms. B.’s appearance as Mr. Dingle’s attorney following the initial discharge. *Broadwater v. State* is inapposite because the Court affirmed “a piecemeal and cumulative rendition of the advisements” only “in those cases where the [d]istrict [c]ourt had exclusive original jurisdiction of the charges at their inception[.]” 401 Md. 175, 206 (2007); *see also Knox*, 404 Md. at 89 (“Rule 4-215 requires that the admonishments be given *by a judge, even if they were*

*given previously by the District Court Commissioner.*”) (citing *Broadwater*, 401 Md. at 199-200) (emphasis added).

Here, the criminal offenses with which Mr. Dingle was charged, murder and assault, do not fall within the exclusive original jurisdiction of the district court. Md. Code Ann., Cts. & Jud. Proc. § 4-401. Accordingly, no cure based on “a piecemeal and cumulative rendition of advisements” was available here. *Broadwater*, 401 Md. at 175. Thus, because no circuit court judge advised Mr. Dingle of the charges that had been filed against him and the allowable penalties, the court did not comply with the requirements of Rule 4-215(a)(3).

Moreover, this Court “construe[s] Rule 4-215 to permit a court to ‘cure’ an initial failure to comply with Rule 4-215 with subsequent advice to the defendant after the defendant has discharged counsel, *but only if the court gives the defendant a chance to reconsider the discharge of counsel after full advice is given.*” *Laser Womack v. State*, 244 Md. App. 443, 470-71 (2020) (emphasis added). That cure, however, has not occurred when “*the court* did not give [the defendant] a choice to reconsider his decision [to discharge counsel].” *Compare id.* at 471 (emphasis added) *with Bowers v. State*, 124 Md. App. 401 (1999). Nothing in the instant record indicates that the circuit court gave Mr. Dingle “a chance to reconsider the discharge of counsel after full advice [was] given[,]” *Womack*, 244 Md. App. at 470-71, because, as explained above, the circuit court did not give Mr. Dingle “full advice” pursuant to Rule 4-215. Therefore, we are not persuaded by the State’s argument that the court cured its deficient advisements by virtue

of Mr. Dingle’s unprompted decision to rehire Ms. B. It was not *the court’s* advisements or intervention that led Mr. Dingle to re-hire Ms. B.; therefore, there was no cure. *Id.*

Pursuant to Maryland Rule 8-131(a),<sup>4</sup> we address Mr. Dingle’s further Rule 4-215(a) arguments for guidance to the circuit court on remand.

***c. Mr. Dingle did not preserve review of the circuit court’s compliance with Rule 4-215(a)(4).***

Additionally, Mr. Dingle contends that the court failed to comply with Maryland Rule 4-215(a)(4) “by failing to conduct a waiver inquiry pursuant to Rule 4-215(b).”

“A defendant may waive the right to counsel if the defendant does so knowingly and voluntarily.” *Dykes*, 444 Md. at 648 (citing *Fowlkes*, 311 Md. at 589). “In [the Supreme Court of Maryland’s] view,” when a defendant is represented by counsel and fails to make a contemporaneous objection “on the ground that the court did not make the requisite finding on the record[,]” the issue is unpreserved. *State v. Westray*, 444 Md. 672, 686-87 (2015). The Court reasoned that, though the “[circuit] court did not explicitly state that it found [the defendant] to be acting knowingly and voluntarily, [] the court clearly was exploring those issues at the hearing and, just as clearly, concluded that [the defendant] was acting knowingly and voluntarily when it permitted the discharge of counsel.” *Id.* at 687.

---

<sup>4</sup> Maryland Rule 8-131(a) states that appellate courts “may decide [] an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal.”

Here, Mr. Dingle is correct that the circuit court did not make an explicit finding that he was acting knowingly and voluntarily when it permitted the discharge of counsel. Nevertheless, Mr. Dingle was still represented by Ms. B. during the January 5, 2023 hearing, as she had yet to be discharged. Therefore, “the requirement of a contemporaneous objection” applied during Mr. Dingle’s colloquy with the court. *Id.* Accordingly, we hold that Mr. Dingle’s argument as to the court’s failure to comply with Rule 4-215(a)(4) is unpreserved.

Because the circuit court did not strictly comply with the mandates of Rule 4-215(a), we hold the court committed reversible error. *See Pinkney v. State*, 427 Md. 77, 88 (2012) (citations omitted); *Brye*, 410 Md. at 637. We remind the State that, in instances where a circuit court judge omits “part of the [Rule 4-215(a)] litany[,]” it is welcome to “point out the problem to a [] judge ‘so that it can be rectified.’” *Bowers v. State*, 124 Md. App. 401, 412 (1999).

**2. November 29, 2023 First Day of Trial**

**a. The circuit court did not comply with Rule 4-215(e).**

We agree with Mr. Dingle that the court did not comply with Rule 4-215(e).

Contrary to the State’s argument that Mr. Dingle’s discussion with Ms. B. was merely an evidentiary dispute, Mr. Dingle made numerous statements, which the court noted it “[couldn’t] help but overhear[,]” such that “the court could reasonably conclude that the defendant desired self-representation[.]” *Campbell*, 385 Md. at 629 (quotation omitted). Mr. Dingle made the following statements to Ms. B., in open court:

“Everything that I got going for myself it seem[s] like you don’t want to help me with it or if anything that look[s] good for me, you don’t want it -- like it just don’t make sense. It don’t.”; “You not trying, though, that’s what I’m saying. You just going off of how you feel about it.”; “I’ve been telling you that since I met you. It is what it is. It’s like you’re not trying to fight for me. You’re not trying to strive, you’re not trying to -- you’re not trying to do the most to fight this case.”; and

Like what do you mean it is what it is? This is my life, like.  
Yeah, I want to fight this to the fullest. I want the truth to come out. I want everything to be understood. And that video [is] going to help me, so I need you to say something. I need you to say something about it.

A short time later, Mr. Dingle also stated directly to the court, “I know, listen, she ain’t trying to help me to her fullest thing.” These statements, like those made in *Campbell*, triggered the inquiry requirement because “a [circuit] court reasonably could deduce [from them] that [the defendant] sought to discharge his counsel.” 385 Md. at 632. At the very least, these statements would likely render “the court [] unsure about whether the defendant [was] dissatisfied with his [] [] counsel,” such that “the court should [have] clear[ed] up any ambiguity by questioning the defendant regarding the statement[s] to avoid the risk of reversal on appeal.” *State v. Graves*, 447 Md. 230, 242 (2016) (citing *State v. Davis*, 415 Md. 22, 35 (2010)). The court’s question to Ms. B., asking, “[I]s there anything you want to put on the record regarding your client’s comments just now?” was insufficient to satisfy the Rule’s requirement that the court question *the defendant*. *Graves*, 447 Md. at 242 (noting that Rule 4-215(e) “imposes an affirmative

duty on the circuit court to provide a ‘forum’ in which *the defendant* can ‘explain the reasons for his [ ] [ ] request’”) (emphasis added).

Further, we are unpersuaded by the State’s argument that Mr. Dingle’s affirmation that he wanted Ms. B. to continue representing him “negated any possible continuing 4-215(e) obligation.” The Supreme Court of Maryland has made clear that only the circuit court can satisfy Rule 4-215(e)’s requirement for a waiver inquiry. *See Graves*, 447 Md. at 253 (“[T]he rule ‘begins with a *trial judge inquiring about the reasons* underlying a defendant’s request[.]’) (quoting *Pinkney*, 427 Md. at 93)) (First alteration and first emphasis added.); *Harryman v. State*, 359 Md. 492, 512 n.13 (2000) (noting that Rule 4-215’s language “makes clear that the procedures and responsibilities of ‘the court’ regarding a criminal defendant’s waiver of counsel . . . are to be carried out by a judge, and not a master who is not a *judicial officer*”). Mr. Dingle’s response affirming his wish to be represented by Ms. B. was elicited by Ms. B., *not* the court.<sup>5</sup> The Rule requires that *the court* elicit such a response.

Accordingly, because the court did not initiate a waiver inquiry in response to Mr. Dingle’s discharge requests, we hold that the circuit court did not strictly comply with Rule 4-215(e), warranting reversal.

---

<sup>5</sup> If anything, Ms. B.’s question to Mr. Dingle should be construed as a discharge request warranting further inquiry by the court. A request to discharge counsel may be initiated by both defense counsel and the defendant. *See Graves*, 447 Md. at 242 (“[A]ny statement that would reasonably apprise a court of defendant’s wish to discharge counsel will trigger a Rule 4-215(e) inquiry *regardless of whether it came from the defendant or from defense counsel.*”) (quoting *Davis*, 415 Md. at 32) (emphasis added).

## II. THE CIRCUIT COURT ERRED IN ADMITTING N.’S TESTIMONY.

As explained above, though the violations of Rule 4-215 subsections (a)(2), (a)(3), and (e) are each independently sufficient to warrant reversal, pursuant to Maryland Rule 8-131(a), we address Mr. Dingle’s arguments regarding N.’s testimony for guidance on remand.

### A. Parties’ Arguments

Mr. Dingle argues that the circuit court erred in “allowing evidence of [N.’s] testimony of past domestic violence by Mr. Dingle, and concomitantly, her fear of ending their relationship,” because (1) this constitutes “admission of other crimes evidence,” the admissibility of which the trial court “failed to make any findings of fact or conclusions of law”; and (2) “the evidence was clearly inadmissible evidence of other bad acts” because it “lacked any relevance in proving the charges at trial” and “showed only Mr. Dingle’s propensity for violence[.]” Mr. Dingle contends that admission of this evidence was unduly prejudicial as “[t]his was a credibility case,” and the “evidence left the jury with the distinct impression that Mr. Dingle had a predisposition for violence[.]”

The State argues that the court properly allowed N.’s testimony because it did not violate Maryland Rule 5-404(b). The State contends that Mr. Dingle’s argument contesting the testimony about the alleged domestic violence is unpreserved because “[Mr.] Dingle did not object immediately ‘at the time’ the evidence was offered.” Instead, the State contends that the objection did not respond to the mention of domestic violence, but rather “concern[ed] whether [Mr.] Thornton was able to see [the alleged domestic violence]” Moreover, the State argues that “evidence about [Mr.] Dingle putting hands

on [N.] was not offered to prove criminal character. [Rather], it was offered to establish the relationship between [Mr.] Thornton and [Mr.] Dingle, and—importantly—explain why [Mr.] Thornton might be looking to fight with [Mr.] Dingle on the day in question.”

Further, the State argues that N.’s testimony about her fear of ending her relationship with Mr. Dingle is not covered by Rule 5-404(b) because “[s]uch evidence is about [N.’s] fear; not a crime, wrong, or other act of [Mr.] Dingle’s.” The State also argues that “[N’s] decision to stay with [Mr.] Dingle after the killing could be relevant to [the] jury’s assessment of her credibility and bias, or her motive to testify as she did, particularly given her relationship with the defendant (including her belief at the time that she was pregnant with his child []) and the victim.” The State additionally contends that the circuit court was not required to make findings of fact or conclusions of law regarding the contested testimony. Alternatively, the State contends that, should we hold that the court erred in admitting this testimony, “such error was harmless.”

## **B. Standard of Review**

Appellate courts review *de novo* “‘whether the evidence is legally relevant,’ that is, does it have any probative value within the meaning of Rule 5-401.” *Calloway v. State*, 258 Md. App. 198, 216 (2023) (citations omitted); *see also Akers v. State*, 490 Md. 1, 24-25 (2025) (explaining that the determination of whether evidence was relevant is a conclusion of law) (citations omitted).

## C. Legal Framework

### 1. *Relevant Evidence*

“A central evidentiary principle in our legal system is that only relevant evidence is admissible.” *Akers*, 490 Md. at 25 (citing Md. Rule 5-402); *see also Calloway*, 258 Md. App. at 216 (“[T]rial judges do not have discretion to admit irrelevant evidence.”) (quoting *State v. Simms*, 420 Md. 705, 724 (2011)). “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Md. Rule 5-401.

“Two characteristics of relevant evidence are: (1) materiality and (2) probative value.” *Akers*, 490 Md. at 26 (citations omitted). “Evidence is material if it bears on a fact of consequence to an issue in the case.” *Id.* (citations omitted). “Materiality looks to the relation between the propositions for which the evidence is offered and the issues in the case.” *Id.* (quoting *State v. Joynes*, 314 Md. 113, 119 (1988)). “If the evidence is offered to help prove a proposition that is not a matter in issue, it is immaterial.” *Id.* (citation omitted). “A matter in issue is one that is ‘within the range of the litigated controversy[.]’” *Id.* (quotation omitted).

Evidence has probative value when “its admission increases or decreases the probability of the existence of a material fact[.]” *Malik v. State*, 152 Md. App. 305, 324 (2003) (citing *Snyder v. State*, 361 Md. 580, 591 (2000)), the material fact being the “proposition for which it is offered to prove.” *Clark v. State*, 97 Md. App. 381, 396 (1993) (citations omitted); *State v. Smullen*, 380 Md. 233, 268 (2004) (“Even reliable

evidence is admissible only . . . if it has a tendency to make the existence of a fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”) (citing Md. Rules 5-401 and 5-402).

## 2. *Timing of Evidentiary Objections*

Maryland Rule 4-323(a) provides: “An objection to the admission of evidence shall be made at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent. Otherwise, the objection is waived.” *See also Fone v. State*, 233 Md. App. 88, 112-13 (2017) (“It is well-established that a party opposing admission of evidence ‘shall object’ at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent.”) (quotation omitted). “[T]here is no bright-line rule to determine when an objection should be made[,] . . . [b]ut the objection must come quickly enough to allow the trial court to prevent mistakes or cure them in real time[.]” *Prince v. State*, 216 Md. App. 178, 194 (2014), cert. denied, 438 Md. 741 (2014) (citation omitted).

To preserve an evidentiary issue for appellate review, “defense counsel [must] object each time a question concerning [the objectionable evidence or issue] was posed or [] request a continuing objection to the entire line of questioning.” *Fowlkes v. State*, 117 Md. App. 573, 588 (1997) (quotation omitted); *see also DeLeon v. State*, 407 Md. 16, 31 (2008) (“Objections are waived if, at another point during the trial, evidence on the same point is admitted without objection.”) (citation omitted); *Fone*, 233 Md. App. at 113 (“[T]o preserve an objection, a party must either ‘object each time a question concerning the [matter is] posed . . . or request a continuing objection to the entire line of

questioning.”) (citation omitted). An objection to a question, even though not made until after the answer is given, is timely “if it appears that the delay was inadvertent and unintentional” and counsel exercised reasonable diligence, “or that no sufficient opportunity [was] given to make [the objection] sooner[.]” *Beads v. State*, 422 Md. 1, 15-16 (2011) (quotation omitted).

With these principles in mind, we proceed to analyze whether the circuit court erred in admitting N.’s testimony in two instances.

**D. Analysis**

**1. *Mr. Dingle’s objection to N.’s “He put his hands on me” testimony is unpreserved.***

Mr. Dingle contests the following testimony as a violation of Maryland Rule 5-404(b):

[STATE]: And what happened when [Mr. Dingle] got mad?

[N.]: He put his hands on me.

[STATE]: And did [Mr. Thornton] see that?

[N.]: Yeah.

[DEFENSE COUNSEL]: Objection. Move to strike.

THE COURT: Overruled.

Mr. Dingle’s defense counsel did not object to the question, “And what happened when [Mr. Dingle] got mad?” nor to N.’s answer, “He put his hands on me.” The objection came only after the State’s follow-up question asking whether Mr. Thornton saw the incident. If the testimony about Mr. Dingle putting his hands on N. was objectionable, the grounds for objection were “apparent” immediately upon N.’s answer. Md. Rule 4-323(a). To preserve the objection for appellate review, defense counsel

should have objected to N.’s answer that Mr. Dingle “put his hands on [her].” *Fone*, 233 Md. App. at 112-13. Further, nothing in the record indicates that defense counsel lodged a general objection to N.’s testimony regarding the FaceTime call. Therefore, defense counsel’s delayed objection came too late to preserve the issue as to the testimony regarding domestic violence.

Moreover, we agree with the State that the most natural reading of the transcript is that defense counsel objected to the question about what Mr. Thornton saw, not to the earlier testimony about what Mr. Dingle did. This interpretation is supported by the timing of the objection and the “move to strike” formulation, which typically seeks to remove an answer just given. *See, e.g., Morales v. State*, 219 Md. App. 1, 12 (2014) (noting, after the court had issued a limiting instruction restricting part of the witness’s testimony, defense counsel’s lack of motion to strike “the remaining part of the [witness’s] testimony” to which defense counsel had originally objected); *Baltimore & O.R. Co. v. Plews*, 262 Md. 442, 470 (1971) (affirming the trial court’s overruling of motion to strike in part because the moving party did not “move to strike immediately after the answer”) (citations omitted).

Because Mr. Dingle failed to timely object to N.’s testimony that Mr. Dingle “put his hands on” her, this issue is not preserved for appellate review. We need not address it further.

**2. *The court erred in admitting N.’s testimony about her reasons for continuing the relationship with Mr. Dingle.***

The second challenged testimony came when N. was asked to describe her relationship with Mr. Dingle after the December 27, 2021 stabbing:

[THE STATE]: And could you describe that relationship?

[N.]: I was just talking to [Mr. Dingle] because I was still living around there so I didn’t want anything to, you know, happen to me and my kids --

MS. [B.]: Objection.

[N.]: -- before we moved.

THE COURT: Overruled.

Mr. Dingle contends that N.’s testimony of “her fear of ending the relationship[] lacked any relevance in proving the charges at trial[,]” namely “the fatal stabbing of Mr. Thornton and the assault on Mr. Augustus-Roland.”

The State argues that N.’s testimony about the end of her relationship with Mr. Dingle “could be relevant to [the] jury’s assessment of her credibility and bias, or her motive to testify as she did. . . . Offering an explanation for why she stayed aided the jury in resolving any issues that they may have perceived from that evidence.” The State further contends that such testimony “was not unduly prejudicial” to Mr. Dingle because it “was cumulative of a fact that was all but stipulated to by the parties”—that there was a “toxic relationship between [N.], [Mr.] Dingle, and [Mr.] Thornton[.]”

We are unpersuaded by the State’s argument that N.’s testimony about her fear for herself and her children is relevant because it is not probative of a fact material to the crimes for which Mr. Dingle was charged—first- and second-degree murder of Mr. Thornton, first- and second-degree assault of Mr. Augustus-Roland, wearing and carrying

a dangerous weapon with intent to injure Mr. Thornton, and wearing and carrying a dangerous weapon with intent to injure Mr. Augustus-Roland. *See Malik*, 152 Md. App. at 324 (citation omitted). We are unpersuaded by the State’s argument that N.’s fear of leaving the relationship<sup>6</sup> after the subject incident “tend[s] to make the existence of a fact that is of consequence to the determination of the action more probable or less probable tha[n] it would be without the evidence[.]” *Smullen*, 380 Md. at 268, by indicating a “toxic relationship between [N.], [Mr.] Dingle, and [Mr.] Thornton[.]” Though we acknowledge that the relationship between these three people may have been relevant to the killing of Mr. Thornton, such testimony refers solely to N.’s relationship with Mr.

---

<sup>6</sup> Maryland Rule 5-404(b) provides:

Evidence of other crimes, wrongs, or acts, including delinquent acts as defined in Code, Courts Article § 3-8A-01, is not admissible to prove the character of a person in order to show action in the conformity therewith. Such evidence, however, may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, common scheme or plan, knowledge, identity, absence of mistake or accident[.]

This testimony does not constitute evidence of Mr. Dingle’s “crimes, wrongs, or acts” and is, accordingly, not governed by Rule 5-404(b). Rule 5-404(b) “does not apply to exclude acts committed by [ ] people [other than the defendant], such as an act committed by a witness who later testifies in the criminal proceedings.” *Sessoms v. State*, 357 Md. 274, 281 (2000); *see also Winston v. State*, 235 Md. App. 540, 563 (2018) (“stating that Rule 5-404(b) is ‘designed to ensure that a defendant is tried for the crime for which he [ ] [ ] is on trial and to prevent a conviction based on reputation or propensity to commit crimes, rather than the facts of the present case’”) (citation omitted).

Here, the contested testimony constitutes evidence of N.’s mental state and motivation, i.e., her subjective fear that caused her to continue a relationship that she might otherwise have ended. The testimony does not describe any specific wrongful conduct by Mr. Dingle. *See Sessoms*, 357 Md. at 281; *Winston*, 235 Md. App. at 563 (citation omitted).

Dingle following Mr. Thornton’s death, and is therefore not probative of an element of the charged offenses. *See Calloway*, 258 Md. App. 198 at 216.

The challenged testimony was not relevant to any material fact in the case and therefore was inadmissible under Maryland Rules 5-401 and 5-402. *Akers*, 490 Md. at 25 (citing Md. Rule 5-402); *see also Calloway*, 258 Md. App. at 216 (“[T]rial judges do not have discretion to admit irrelevant evidence.”) (quoting *Simms*, 420 Md. at 724).

### CONCLUSION

We hold that the circuit court did not satisfy the requirements of Maryland Rule 4-215 in its handling of Mr. Dingle’s representation issues. Further, as to Mr. Dingle’s preserved evidentiary objection, we hold that the court erred in admitting N.’s testimony. Md. Rule 8-131(a). We, accordingly, vacate the convictions and remand for a new trial.

**JUDGMENTS OF THE CIRCUIT COURT  
FOR BALTIMORE COUNTY VACATED  
AND REMANDED FOR A NEW TRIAL;  
COSTS TO BE PAID BY BALTIMORE  
COUNTY.**