

Circuit Court for Wicomico County
Case Nos. C-22-CR-22-000157 and 276

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND
No. 1310
September Term, 2024

ANTONIO LAVON JARMON

v.

STATE OF MARYLAND

Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 5, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by a jury in the Circuit Court for Wicomico County of two counts of first degree assault, two counts of use of a handgun in the commission of a crime of violence, illegal possession of a regulated firearm, and related offenses, Antonio Lavon Jarmon, appellant, presents for our review a single issue: whether the prosecutor “unlawfully and repeatedly referenced for the jury [Mr.] Jarmon’s assertions of his right to remain silent.” For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State presented evidence that at approximately 4:17 p.m. on December 21, 2021, gunshots were fired from a black Ford EcoSport toward the Westside Cash Market in Salisbury. Marquez Mitchell was shot in his leg, and Nicholas White’s head was grazed. The State played for the jury video footage recorded by surveillance cameras near the Market, which depicted the EcoSport slowing down outside the Market at the time of the shooting, and then quickly departing. Police searched the area of the shooting and discovered projectiles that “could have been very easily [.]380” caliber. The following day, police discovered and stopped the EcoSport, which was driven by Mr. Jarmon. Police discovered inside the vehicle three spent .380 caliber shell casings. Police extracted information from Mr. Jarmon’s cellphone and the EcoSport and discovered that “[d]uring the time of the shooting the . . . EcoSport was . . . right beside the Cash Market.” Police also discovered that “Mr. Jarmon’s phone was connected to the vehicle during the time of the shootings.” Using the extracted information and video footage recorded by surveillance cameras, police discovered that prior to the shooting, Mr. Jarmon drove the EcoSport to a Royal Farms in Salisbury, a business in Delmar, Delaware known as “Delmar Liquors,” and a residence at 7542 Brent Avenue in Salisbury. The information and footage also

revealed that following the shooting, Mr. Jarmon drove the EcoSport to his residence, and then to Delmar Liquors. Police subsequently executed a search warrant for the Brent Avenue residence and discovered Mr. Jarmon “hiding in the master bedroom’s closet.”

Mr. Jarmon contends that at trial, Detective Jones “improperly referenced [Mr.] Jarmon’s assertion of his right to remain silent” when the detective testified:

I initially wanted to speak with Mr. Jarmon. He agreed. Once we got him into the vehicle I read him his *Miranda* rights, at which point I advised him why I wanted to talk to him in reference to the shooting. And then he didn’t want to speak with me after that.

(Italics added.) Mr. Jarmon also contends that the prosecutor, during rebuttal argument, impermissibly stated: “Basically the only statement we have from this [d]efendant in this case and it’s a lie.” Acknowledging that defense counsel did not object to the testimony and remark, Mr. Jarmon contends that we “should exercise [our] discretion to invoke plain error review.”

We decline to do so. Although this Court has discretion to review unpreserved errors pursuant to Rule 8-131(a) (“[o]rdinarily, an appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal”), 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) (internal 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) (internal citation and quotations omitted). Under the circumstances presented here, we decline to overlook the lack of preservation, and do not exercise our discretion to engage in plain error review. *See Morris v. State*, 153 Md. App. 480, 506-07 (2003) (noting that the 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 and footnote omitted)).

**JUDGMENTS OF THE CIRCUIT COURT
FOR WICOMICO COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**