

Circuit Court for Howard County
Case No. C-13-CR-23-000460

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1333

September Term, 2024

ASIA MONET WILLIAMS

v.

STATE OF MARYLAND

Nazarian,
Beachley,
Albright,

JJ.

Opinion by Albright, J.

Filed: January 30, 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 Rule 1-104(a)(2)(B).

In this case, the Circuit Court for Howard County found that Appellant Asia Monet Williams waived her right to a jury trial, and then, after a bench trial, found her guilty of abuse of a vulnerable adult and second-degree assault, all without her counsel present. Here, Ms. Williams appeals the resulting convictions, arguing that the circuit court violated her right to counsel.¹ The State agrees with Ms. Williams and so do we. Accordingly, we vacate the convictions and remand for further proceedings.

BACKGROUND

On September 27, 2023, a grand jury indicted Ms. Williams for abuse of a vulnerable adult and second-degree assault. Ms. Williams made an initial appearance on the charges on October 10, 2023 and was advised of her right to counsel. For the initial

¹ Ms. Williams presents four questions for our review:

- I. Did the trial court commit structural error when it denied the Appellant her right to counsel under the US and Maryland constitutions?
- II. Did the trial court err when it improperly discharged trial counsel?
- III. Did the trial court err in the jury trial waiver procedure and violate the Appellant's federal and state constitutional rights when it failed to follow Md. Rule 4-246 and basic constitutional principles?
- IV. Did the trial court err in finding that trial counsel did not commit ineffective assistance of counsel?

Because we reverse and grant a new trial, including a jury trial, we need not consider whether Ms. Williams knowingly and intelligently waived her right to a jury trial and whether her trial counsel was ineffective.

appearance, Ms. Williams was provisionally represented by the Office of the Public Defender.

Between Ms. Williams's initial appearance and her March 5, 2024 trial date, a succession of attorneys had entered their appearances on behalf of Ms. Williams. From October 13, 2023 through November 28, 2023, Ms. Williams was represented by an assistant public defender. From November 24, 2023 through January 31, 2024, she was represented by a private attorney. From January 16, 2024 through February 29, 2024, she was represented by a second private attorney.

During this time, pre-trial court dates were scheduled and continued for a variety of reasons, including the appearance of new counsel, and illness of Ms. Williams, and, on a separate day, illness of her attorney. On February 13, 2024, when she was represented by the second private lawyer, Ms. Williams and the State agreed that her two-day jury trial would be scheduled on March 5, 2024.

On February 26, 2024, the third of Ms. Williams's private lawyers, Darryl Daniels, II, Esquire, entered his appearance on behalf of Ms. Williams.² Mr. Daniels then moved for a continuance of the previously-scheduled March 5, 2024 jury trial date. He indicated that Ms. Williams had contacted his firm on February 23, 2024, that he would be unavailable on March 5, as “he [would] be engaged in matters located outside the

² A few days after Mr. Daniels entered his appearance, the court struck the appearance of Mr. Williams's previous lawyer, on Mr. Daniels's motion.

jurisdiction[,]” and that he needed additional time to prepare for trial. The circuit court denied the motion, along with a subsequent motion to reconsider.

On March 5, 2024, Ms. Williams appeared without Mr. Daniels. Mr. Daniels sent stand-in counsel, but the record does not indicate that the stand-in counsel knew anything substantive about Ms. Williams’s case. Stand-in counsel indicated he would relay to Mr. Daniels that the court had denied his postponements and would be proceeding to trial. When the case was recalled, more than an hour later, Ms. Williams appeared alone. When the judge asked Ms. Williams what she intended to do, she said that she hoped defense counsel would reach out to her and provide representation for her trial that day:

THE COURT: All right. Have you been in contact with your lawyer, Ms. Williams?

[MS. WILLIAMS]: No, I haven’t heard from him.

THE COURT: Okay. So, what was your plan on today then? Because as I denied the request for a postponement and [Mr. Daniels’s stand-in lawyer] apparently said he was going to reach out to Mr. Daniels and then that was it. I mean, I’ve got nothing else from your attorney other than he’s out of the jurisdiction. I don’t know if he’s in Court. I know he works out of D.C. I’m going forward today.

... I know Judge Kramer on February 13th advised you of your rights again. Your rights to a jury trial or your rights to a court trial and it has been selected as a jury trial for today.

So, what was your plan on today, ma’am?

[MS. WILLIAMS]: My plan was for someone to reach out and say either Mr. Daniels was going to come later today or that another attorney would stand in his place.

The court then recessed to allow Ms. Williams to contact Mr. Daniels. After court reconvened, Ms. Williams indicated she had been unable to reach Mr. Daniels.

Moreover, she continued to assert her right to counsel and gave no indication of wanting to waive that right.

THE COURT: All right, Ms. Williams, have you contacted your attorney?

[MS. WILLIAMS]: Yes.

THE COURT: And?

[MS. WILLIAMS]: No response.

THE COURT: No response. Okay, so, what was your plan today then?

[MS. WILLIAMS]: May I ask a question?

THE COURT: Sure.

[MS. WILLIAMS]: I just want to confirm that if I proceed to trial that means that I would have to represent myself.

THE COURT: That's correct.

[MS. WILLIAMS]: So, can I exercise my right to the Sixth Amendment or is that off the table?

THE COURT: What do you mean?

[MS. WILLIAMS]: A lawyer to actually represent me during the trial because I didn't get a response.

THE COURT: You have a lawyer. Your lawyer has not shown up. I can issue a show cause for contempt for him because he's not here and probably [will] do it tomorrow. But this case has been set for trial. It was set back on February 13th. I denied a request to postpone the matter, so we are going forward with your trial.

So, you have a right to a lawyer. Your lawyer has not shown up. I understand he may have some other obligations out of this jurisdiction, what they are I don't know because attorneys will usually include their court appearance notice to say I have a conflict. I don't have that from Mr. Daniels. I don't know Mr. Daniels. All I got was a request to postpone and he wants to waive your right to a speedy trial. That's not an issue. We are going forward with your trial either today or tomorrow.

(Emphasis added).

After the recess, Ms. Williams, still without her lawyer present, waived her right to a jury trial and opted for a bench trial. The trial resumed the next day without counsel

for Ms. Williams present.³ Ms. Williams testified. The court ultimately found Ms. Williams guilty on both counts.

On March 12, 2024, a fourth private lawyer entered an appearance on behalf of Ms. Williams. Through her new lawyer, Ms. Williams filed a motion for a new trial, which was denied. Ms. Williams was sentenced to an aggregate sentence of five years, suspended for all but six months, and three years of supervised probation. This timely appeal followed.

DISCUSSION

Ms. Williams argues, and the State concedes, that the circuit court erred by proceeding with Ms. Williams's trial without her counsel present. Accordingly, both parties ask that we remand the case to the circuit court for a new trial. We agree and will do so.

“The Sixth Amendment to the Constitution of the United States grants to every criminally accused the right to the assistance of counsel.” *Muhammad v. State*, 177 Md. App. 188, 236 (2007). The Sixth Amendment right to counsel includes a right to retained counsel of the defendant’s choice. *Wheat v. U.S.*, 486 U.S. 153, 159 (1988) (“[T]he right to select and be represented by one’s preferred attorney is comprehended by

³ The circuit court issued a show cause order, requesting Mr. Daniels “show cause why he should not be held in contempt of court for failing to attend the trial.” On April 11, 2024, the show cause hearing was held, with Mr. Daniels and his own attorney present. Mr. Daniels was not found in contempt.

the Sixth Amendment[.]”).⁴ “Of all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive for it affects his ability to assert any other rights he or she may have.” *U.S. v. Cronic*, 466 U.S. 648, 654 (1984) (cleaned up).

Like most rights, the right to counsel may be waived. However, the “courts indulge every reasonable presumption against waiver of fundamental constitutional rights and . . . do not presume acquiescence in the loss of fundamental rights.” *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938) (cleaned up). “The record must show, or there must be

⁴ The Sixth Amendment states:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

U.S. Const. amend. VI. This right is applicable to the states through the Fourteenth Amendment. *DeWolfe v. Richmond*, 434 Md. 403, 427 (2012) (citing *Gideon v. Wainwright*, 372 U.S. 335, 342 (1963)).

Article 21 of the Maryland Declaration of Rights, also protective of the defendant’s right to counsel, states:

That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the Indictment, or charge, in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

We interpret the Maryland Declaration of Rights, Article 21 as having the same reach as the Sixth Amendment right to counsel. *Muhammad*, 177 Md. App. at 237 (citing *State v. Campbell*, 385 Md. 616, 626 n.3 (2005)).

an allegation and evidence which show, that an accused was offered counsel but intelligently and understandingly rejected the offer. Anything less is not waiver.” *Carnley v. Cochran*, 369 U.S. 506, 516 (1962).

The circuit court denied Ms. Williams her right to be represented by the lawyer of her choice, or any lawyer at all. Ms. Williams had retained counsel in advance of trial, and counsel had entered an appearance on her behalf. Counsel failed to appear, and Ms. Williams was unable to reach him. The trial court’s decision to proceed without her lawyer present violated her right to counsel.

Moreover, nothing suggests, and the court did not find, that Ms. Williams had waived the right to counsel or discharged counsel under Maryland Rule 4-215. That rule states, in pertinent part,

(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.

...

(d) Waiver by Inaction--Circuit Court. If a defendant appears in circuit court without counsel on the date set for hearing or trial, indicates a desire to have counsel, and the record shows compliance with section (a) of this Rule, either in a previous appearance in the circuit court or in an appearance in the

District Court in a case in which the defendant demanded a jury trial, the court shall permit the defendant to explain the appearance without counsel. If the court finds that there is a meritorious reason for the defendant's appearance without counsel, the court shall continue the action to a later time and advise the defendant that if counsel does not enter an appearance by that time, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds that there is no meritorious reason for the defendant's appearance without counsel, the court may determine that the defendant has waived counsel by failing or refusing to obtain counsel and may proceed with the hearing or trial.

(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.

We agree with the State that nothing “approximating a colloquy that accorded with Maryland Rule 4-215(b), (d), or (e)” occurred. Ms. Williams did not expressly waive counsel at any point. Nor did Ms. Williams request permission to discharge her attorney at that time. And the court did not find that Ms. Williams had waived counsel by inaction under Rule 4-215(d).

Violation of the right to retained, chosen counsel entitles the wronged defendant to a new trial, without any additional showing of harm or prejudice. *U.S. v. Gonzalez-Lopez*, 548 U.S. 140, 148 (2006) (“Where the right to be assisted by counsel of one’s choice is

wrongly denied, therefore, it is unnecessary to conduct an ineffectiveness or prejudice inquiry to establish a Sixth Amendment violation.”); *see also State v. Goldsberry*, 419 Md. 100, 132 (2011) (“That constitutional violation [of disallowing one of defendant’s attorneys to represent him] entitles [the defendant] to a new trial.”). Because Ms. Williams’s right to counsel was violated, we reverse her convictions and remand for a new trial.

**JUDGMENTS OF THE CIRCUIT COURT
FOR HOWARD COUNTY REVERSED.
CASE REMANDED FOR FURTHER
PROCEEDINGS NOT INCONSISTENT
WITH THIS OPINION. COSTS TO BE
PAID BY HOWARD COUNTY.**