

Circuit Court for Worcester County
Case No. C-23-CR-21-000109

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 1420

September Term, 2024

JAQUELINE SHERNETTE JACOBS

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: December 26, 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.

— Unreported Opinion —

Convicted by a jury in the Circuit Court for Worcester County of unlawful disclosure of payment device numbers, theft of property with a value of at least \$1,500 but less than \$25,000, and related offenses, Jaqueline Shernette Jacobs, appellant, presents for our review two issues: whether the evidence is insufficient to sustain the convictions, and whether the court erred “in overruling [defense counsel’s] objections to the State’s . . . closing argument.” For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State presented evidence that Coastal Resort Sales and Rentals (hereinafter “Coastal”), a property management company, manages a vacation rental property in a building in Ocean City known as the Meridian. On July 28, 2020, a reservation was made with Coastal for a stay of seven nights at the Meridian, to commence on August 1, 2020. The reservation was made in the name of “Monique Green,” and payment in the amount of \$6,444 was made by credit card. Coastal was subsequently contacted by Darrell Dews, who stated that the credit card used to make the reservation belonged to him. Mr. Dews testified that he did not make, and did not authorize anyone else to make, the reservation. Coastal employee Amanda Priznar subsequently cancelled the reservation and contacted police.

On August 1, 2020, Ms. Jacobs appeared at the Meridian and “tried to check in for [the] reservation.” Ms. Jacobs provided to Ms. Priznar a Maryland Identification Card in the name of “Monique Danissa Green.” Ms. Priznar made a photocopy of the card and contacted the Ocean City Police Department. When Ocean City Police Officer Riley Scott arrived at the property, Ms. Jacobs “ran out the front door of [Coastal’s] office to the side

of the building.” After speaking with Ms. Priznar, Officer Scott spoke to Ms. Jacobs “about the reservation that was made and how it was made.” Ms. Jacobs stated that she had provided “the wrong ID,” and produced her “real one.” Ms. Jacobs further stated “that she was there to pick up keys for Ms. Monique Green because Monique was going to be late,” and “she knew the police were there for her.” Ms. Jacobs further stated that she and Ms. Green “were close friends,” and that Ms. Green “left her ID card in [Ms. Jacobs’s] vehicle when they were hanging out in Baltimore one day.” When Officer Scott asked “for the phone number for Ms. Green,” Ms. Jacobs “provided a number,” but “it did not work.” When the officer asked to look at Ms. Jacobs’s phone “to look for the call history,” she stated “that it was her own private business,” “Ms. Green’s contact was not saved in [the] phone,” and “she wouldn’t be able to find the number.” Ms. Jacobs also did not “make any attempt to” locate the number.

Ocean City Police Detective Amy Gutowski subsequently contacted Ms. Green and asked her “about her ID card,” “her visits to Ocean City,” and “if she had . . . been to Ocean City during August of 2020.” Detective Gutowski also reviewed Ms. Jacobs’s “phone records” for “[a]ny indication that she had contacted Ms. Green during the time frame in which she alleged [that] she had.” The detective subsequently determined that Ms. Green was no “longer a suspect in this case.”

Ms. Jacobs first contends that the evidence is insufficient to sustain the convictions because “there was no evidence that [she] was the person who made [the] reservation.” We disagree. The State produced evidence that the reservation was made in the name of Monique Green and to commence on August 1, 2020. On that date, Ms. Jacobs appeared

at the Meridian, presented herself as Monique Green, and presented an identification card bearing that name. When Officer Scott arrived at the property, Ms. Jacobs “ran out the front door.” Ms. Jacobs subsequently told the officer that “she knew the police were there for her,” and admitted that she had produced “the wrong ID.” Finally, when Officer Scott asked for a phone number for Ms. Green, Ms. Jacobs produced an incorrect number, and refused to search her phone for a correct number. From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Ms. Jacobs, using Ms. Green’s name, made the reservation at the Meridian, and hence, the evidence is sufficient to sustain the convictions.

Ms. Jacobs next contends that the court “erred in overruling [defense counsel’s] objections to the State’s . . . closing argument.” During closing argument, defense counsel stated, in pertinent part:

[Ms. Jacobs] shows up there. She has Monique Green’s identification. How do we know Monique Green, whoever that person is, didn’t book the place and say go pick it up? Maybe she says, well, Monique Green, that’s weird she could rent this place, but I’ll go do it, we’re friends, and this is what happens. We don’t know because we didn’t hear from Monique Green. We know there’s a Monique Green. The detective said – well, I guess there is. The detective said she spoke to somebody that was named Monique Green. That person – the detective never said that Monique Green said, yeah, I don’t know how my license got with this lady. She stole my license. My license was missing. There was no evidence of that. Monique Green wasn’t here to testify about it.

During rebuttal argument, the prosecutor stated, in pertinent part:

[PROSECUTOR:] One of the things he said was Monique Green wasn’t called. And we don’t know what Monique Green said because she wasn’t called. The defense has the same subpoena power the State has.

[DEFENSE COUNSEL]: Objection.

[THE COURT]: Overruled.

[PROSECUTOR]: The defense has the same subpoena power that the State has. And if they thought Monique Green's testimony would be helpful, they would have called her. But Monique Green is their theory of the case, not the State's theory. The State's theory is that Monique Green didn't have anything to do with this which is supported by the testimony of Ms. Gutowski who said she investigated. She spoke to Ms. Green. She looked at the phone records, and there was no connection, and she was eliminated as a suspect in this case. So Monique Green, if she was going to be helpful to anybody it would be them.

[DEFENSE COUNSEL]: I'm going to object, Judge.

[THE COURT]: You opened the door, sir. You raised the issue of her lack of appearance, and it's appropriate for the State to be able to respond. Overruled.

[DEFENSE COUNSEL]: Yes, sir. Thank you.

[PROSECUTOR]: And if they thought she would be helpful, they should have called her, but they didn't. I would suggest to you that's because she wouldn't have been helpful. There is no Monique Green in this case. It is a name from an ID that she had. I don't know how she had it, if she found it on the ground, if she stole it, if she bought it on the Internet. I don't know how she got it. But that's the name she registered the reservation under which would make sense because if you're using a stolen credit card, you don't want your name attached to it, you want somebody else's name attached to it.

Ms. Jacobs contends that the prosecutor's "argument was improper because it shifted the burden of proof to [her] by communicating that it was [her] responsibility to produce Monique Green as a witness," and "invited the jury to infer from [Ms.] Green's absence that [her] testimony would have been unfavorable to" Ms. Jacobs. Conceding that the Supreme Court of Maryland "has held that a prosecutor's statement in rebuttal closing argument that the defendant has the same subpoena power as the State can be 'proper

response’ to the defendant’s closing argument about absent witnesses,” Ms. Jacobs contends that “the remarks in those cases were brief and isolated compared to the . . . rebuttal argument here.”

Mitchell v. State, 408 Md. 368 (2009), is instructive. At trial, Mr. Mitchell’s defense counsel, “[d]uring closing arguments, . . . called attention to the absences of [potential witnesses named] Henderson, Corpew, Cochran, Carter, Chase, and Maurice Turner[.]” *Id.* at 375. In rebuttal, the prosecutor made, and the court overruled defense counsel’s objections to, the following remarks:

- “As far as dealing with certain people that weren’t here, the defense made a specific point. He said you all should have had a chance to look at them and see what they looked like. I don’t quite understand what that was meant to indicate.”
- “The only thing I can gather is that [defense counsel] wanted to make some sort of inference that the State was holding back something.”
- “If [defense counsel] thought that them being here would have shown that something we presented was so contradictory to something about them, he could have brought them in as well. The defense has subpoena power just like the State does. You can’t say why didn’t the State present a witness, when they had an equal opportunity to present it to you, and then try to say, well, it wasn’t presented. They had an equal right to present it if they thought it would contradict something we presented.”

Id. at 377-79. On appeal, Mr. Mitchell contended that the remarks “improperly shifted the burden of proof.” *Id.* at 380. The Supreme Court of Maryland concluded that the remarks “were a narrow and isolated, justified response to defense counsel’s ‘opening the door,’” and “did not shift the burden of proof.” *Id.* at 392.

We reach a similar conclusion here. The remarks made by the prosecutor in rebuttal at Ms. Jacobs’s trial are no less narrow or isolated than the remarks challenged in *Mitchell*.

The remarks were a justified response to defense counsel’s “opening the door,” and did not shift the burden of proof. Hence, the court did not err in overruling defense counsel’s objections to the remarks.

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