

Circuit Court for Howard County  
Case No. C-13-CR-23-000214

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 1486

September Term, 2024

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HOWARD GREGG WEINBERG

v.

STATE OF MARYLAND

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Zic,  
Ripken,  
Eyler, James R.  
(Senior Judge, Specially Assigned)

JJ.

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Opinion by Zic, J.

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Filed: May 15, 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).

On March 29, 2024, a jury in the Circuit Court for Howard County convicted appellant Howard Weinberg of two counts of second-degree sex offense and two counts of third-degree sex offense. He was sentenced to two consecutive terms of ten years' imprisonment on the second-degree sex offense convictions and two consecutive terms of five years' imprisonment on the third-degree sex offense convictions.

Mr. Weinberg presents two questions for our review:

1. Did the trial court err by preventing the defense from introducing evidence of the complaining witness'[] identification as a [B]lack Israeli to show bias of the witness?
2. Did the trial court impermissibly restrict cross-examination of the State's key witness?

For the reasons explained below, we shall affirm.

### **BACKGROUND**

In 2022, A.B.<sup>1</sup> reported to police that Mr. Weinberg had sexually abused her beginning in the early 1990s, when she was in third grade, and throughout the remainder of her childhood. Mr. Weinberg was subsequently charged with second-degree rape, second-degree assault, and various sex offenses. A jury trial on these charges occurred over five days in March 2024. The State's case relied almost entirely on A.B.'s testimony. A.B. testified extensively about the details of Mr. Weinberg's abuse against her, which we need not review for the purposes of this appeal.

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<sup>1</sup> For the sake of privacy, this opinion uses anonymized initials to refer to A.B.

During cross-examination, defense counsel asked A.B. about her disclosures of the abuse as well as her history of substance abuse treatment.

[DEFENSE]: Now, one of the treatment centers you went to in your past is called Hope House, correct?

[A.B.]: Mm-hmm.

[DEFENSE]: Okay. And when you were at Hope House, you reported that someone was abusing your son that was not [Mr. Weinberg], correct?

[A.B.]: Mm-hmm.

[DEFENSE]: And you told your counselor that day you felt your son was molested by a family member?

[A.B.]: Mm-hmm.

[DEFENSE]: Okay. Could you just answer yes, or no? Sorry.

[A.B.]: Yes.

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[DEFENSE COUNSEL]: So to Hope House you also reported that someone was abusing you that wasn't [Mr. Weinberg], correct?

[A.B.]: Abusing me?

[DEFENSE COUNSEL]: Mm-hmm?

[A.B.]: No.

[DEFENSE COUNSEL]: Okay. Would it refresh your recollection to take a look at one of those records where you say that?

[A.B.]: Sure.

The State objected, stating: “My objection is to the line of questioning. That unless there is proof or an allegation that she was lying in a previous report -- proof that she was lying, then it is not relevant to show whether or not she was abused by this man.”

Defense counsel responded: “Your Honor, it is not for the truth. This is to impeach her

only.” The court sustained the objection because “[t]he question currently is would it refresh your recollection. [A.B.] hasn’t said that she has no recollection.” The court and the parties, however, also discussed defense counsel’s anticipated line of questioning:

[THE STATE]: And my objection is the relevance of whether someone else -- she has alleged someone else abused her. And I think the case law is clear that unless there is an allegation that that prior report was a false or proven false, then it has no admissibility -- it has no relevance to this case and it is not admissible. So the whole line of questioning, I believe --

[DEFENSE]: Well, Your Honor, [Mr. Weinberg has] the right to bring a defense forward. And a defense could be that there were other people of title [sic] abusing her. And that is all we’re trying to get out is the possibility of that and her defense.

THE COURT: But you have asked her if she has reported that. And she said no. . . . So where does that leave you?

[DEFENSE]: I’ll rephrase the question to ask her if it is her testimony today that she did not tell somebody that at Hope House. . . . And I will present her with the record to impeach her.

THE COURT: Mm-hmm. And how is that relevant in this case?

[DEFENSE]: It is relevant in this case because she is making an allegation that someone else was abusing her in her past. . . . Your Honor, again, the way I’m rephrasing the question, it is about impeachment. It’s about she just said that she did not say something that [s]he reported.

THE COURT: But how is it relevant whether she did or didn’t say that someone else had abused her. She could be abused by several people. And is that relevant?

[DEFENSE]: Yes, Your Honor. It is relevant because what we have heard in this case is one person. The possibility of multiple people could be part of a defense.

[STATE]: I disagree. I think the fact that someone was abused by one person or ten people is not relevant to make a

fact in issue whether she was abused by this man more likely or not. It is not relevant.

[DEFENSE]: Your Honor, it is relevant for credibility purposes. Because she just said no. And what I'm doing is asking for the truth of whether or not she was abused. The point is that she said no I did not say that to somebody. So I'm questioning her on her credibility.

THE COURT: Well, what is the document?

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[DEFENSE]: Well, it is a report from a treatment center that she went to that has notes from her counselor.

THE COURT: So something that she didn't write and has not adopted?

[DEFENSE]: Not at this juncture.

Defense counsel then resumed questioning A.B., and asked her, "You also reported that someone was abusing you that wasn't [Mr. Weinberg]?" The prosecutor objected before A.B. answered. The court sustained the objection on the basis that the question had been asked and answered. The prosecutor also reiterated the relevance objection. A discussion of that issue resumed:

[DEFENSE]: It is relevant to credibility.

[STATE]: And it is relevant only to credibility if the prior allegation is -- if there is proof that she lied during it. That would be the only reason it would be admissible or relevant.

[DEFENSE]: Your Honor, in court just now I asked her did you say that to a counselor.

THE COURT: And she said no.

[DEFENSE]: And she said no.

THE COURT: And the fact that a counselor wrote it down doesn't prove otherwise.

[DEFENSE]: We can let her tell us that.

THE COURT: Okay.

[STATE]: It is not relevant.

THE COURT: I'm sustaining the objection.

Cross-examination continued on other issues not relevant to this appeal.

On the fourth day of trial, prior to calling the defense investigator as a witness, defense counsel requested a bench conference to discuss the scope of the investigator's anticipated testimony. Defense counsel stated that he had found out that morning that the investigator uncovered "what we believe to be bias evidence."

[DEFENSE]: [P]rior to this trial beginning, the defense was granted subpoenas over the State's request for mental health and treatment records.

We can proffer that in those records, [A.B.] identifies as what is called a [B]lack Israeli. Last month [A.B.] tried to or initiated a friend request to Mr. Weinberg's children. And among the pictures on her Facebook page are two photographs. . . . Two photographs that show -- purportedly show [A.B.] posing with what appear to be members of a [B]lack Israeli group. You can see the insignia, et cetera.

My investigator has looked a[t] these photographs. She has printed them. In looking up information on the [B]lack Israeli group, it appears as if they hold and espouse hateful ideals towards [W]hite people, Jewish people, gay people, et cetera. I believe it would go toward her bias and motivation to testify.<sup>[2]</sup>

We would ask that these be allowed to be considered by the jury. Ms. Fitzpatrick my investigator is here and able to perform an in-camera hearing with Your Honor if you would need that in order to determine whether or not these can be considered by the jury.

THE COURT: And can you identify what it is that you identify this group? I can't read any of these things.

[DEFENSE]: Your Honor, in the background, you can see a portion of an insignia as well as --

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<sup>2</sup> Mr. Weinberg is a White Jewish man.

THE COURT: Israelite school.

[DEFENSE]: Yes.

THE COURT: That's all I see.

[DEFENSE]: Yes, Your Honor.

THE COURT: Can you identify any further what group you're talking about[?]

[DEFENSE]: Not based on those photographs. But those in conjunction with [A.B.] self identifying as a [B]lack Israeli.

THE COURT: And is [B]lack Israeli just t[w]o adjectives[?]

[DEFENSE]: I'm not sure. . . . That is typically [sic].

THE COURT: But you're talking about a specific group . . . that she associates with a specific group that is antiwhite, antigay let's say. What group is that?

[DEFENSE]: The [B]lack Israelites. I believe it is a group. I don't know if it is also an independent identity.

THE COURT: And what leads you to believe that it is a group?

[DEFENSE]: Based on information readily available online if you look it up.

THE COURT: Who would testify that it is a group that holds these views?

[DEFENSE]: Sure. My investigator, in looking into the case, has looked into the group that she believes those photographs show [A.B.] associated with. So she would be the one to attempt to elicit that information.

THE COURT: And her basis of knowledge in regard to that would be?

[DEFENSE]: Investigation.

THE COURT: Of what?

[DEFENSE]: Of publicly available information online on resources. She could speak in -- Wikipedia, things of that nature.

THE COURT: But you are unclear as to whether or not [B]lack Israelite is a group like MADD is a group or like [B]lack [P]anthers is a group.

[DEFENSE]: Yes, I do believe it is like -- I don't know that it is other than -- someone can hold themselves out as a Black Israelite in a different manner. But there is a group a formal name called the Black Israelites.

The State argued that the investigator's testimony regarding the group was not admissible because it lacked a sufficient factual basis, and that without evidence concerning the group's views, the photos were irrelevant. The court determined that it would exclude the investigator's testimony on the issue:

THE COURT: In regard to the testimony regarding Black Israelites and there being negative connotations et cetera, I don't see how that it probative in this case. I don't -- what you have told me so far in terms of where this information would come from, I find unreliable and based on hearsay. . . . I would find that to be unreliable and highly prejudicial.

[DEFENSE]: Your Honor, I would just proffer that the insignia on the background in the photograph on what's hanging on the wall, you can see the word Israelite school. I would proffer that that is consistent with the Israelite school of universal practical knowledge which is the formal name for the Black Israelites.

THE COURT: Well, I'm glad that you would proffer that, but that is not in the photo. I have no idea. There is not going to be a witness that is going to testify as to that. That is just speculation.

And in addition, what I'm talking about is if you're going to ask your investigator to espouse the beliefs of that organization, I would sustain an objection as to that information and in fact grant the State's motion in limine in regard to this information that you have proffered that would come through your investigator based on a Google search and based on the State's arguments.

Defense counsel then elected not to call the investigator as a witness. Defense counsel made no attempt to call A.B. as a defense witness to question her about the context of the photos or her self-identification.

The jury convicted Mr. Weinberg of two counts of second-degree sex offense and two counts of third-degree sex offense. The court sentenced Mr. Weinberg to two consecutive terms of ten years' imprisonment on the second-degree sex offense convictions and two consecutive terms of five years' imprisonment on the third-degree sex offense convictions. This timely appeal followed.

## DISCUSSION

### I. THE CIRCUIT COURT DID NOT ERR IN EXCLUDING ALLEGED EXTRINSIC BIAS EVIDENCE.

Mr. Weinberg first argues that the trial court erred in preventing him from introducing evidence concerning A.B.'s identification as a "Black Israeli." Mr. Weinberg argues that this information was relevant to show A.B.'s potential bias against him:

There is no doubt that A.B. had photographs on her Face[b]ook page that showed the word Israelite School. A.B.'s treatment records revealed her own self-reporting as a [B]lack Israeli. Putting this information together, the views of the organization as being against [W]hite Jews was relevant, given that A.B., a member of the organization, was alleging sexual abuse by a [W]hite Jewish man.

(Record citations omitted). He also argues that the prejudice generated by the evidence would not substantially outweigh its probative value.<sup>3</sup>

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<sup>3</sup> Mr. Weinberg cites to Maryland Rule 5-616(a)(4) to support his argument that the bias evidence should not have been excluded. That subsection of the Rule, however, concerns "questions asked of the witness" whose testimony is being impeached. In this

The State responds that Mr. Weinberg “failed to establish a sufficient factual foundation connecting A.B.’s identification as a ‘[B]lack Israelite’ to membership in any organization or subscription to racist or other discriminatory beliefs.”

“An appellate court typically reviews a trial court’s ruling on the admission of evidence for abuse of discretion.” *State v. Galicia*, 479 Md. 341, 389 (2022) (citing *Portillo Funes v. State*, 469 Md. 438, 478 (2020)). “An abuse of discretion occurs where ‘a trial judge exercises discretion in an arbitrary or capricious manner or . . . acts beyond the letter or reason of the law.’” *Id.* (alteration in original) (quoting *Cooley v. State*, 385 Md. 165, 175 (2005)).

It is clear from defense counsel’s proffer that the investigator did not have any personal knowledge of the group or its beliefs, and instead received her information from “Wikipedia, things of that nature.” Because these sources are hearsay, the investigator would need to have been qualified as an expert in a relevant field. *See* Md. Rules 5-703, 5-802; *see also Milton Co. v. Council of Unit Owners of Bentley Place Condo.*, 121 Md. App. 100, 120 (1998) (recognizing that an expert witness may rely upon hearsay sources, if the reliance is reasonable) (citing *Hartless v. State*, 327 Md. 558, 579 (1992)).

There are three requirements for a witness to qualify as an expert: “(1) whether the witness is qualified as an expert by knowledge, skill, experience, training, or

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case, the admissibility of the photos and testimony of the investigator are governed by Rule 5-616(b)(3), which concerns extrinsic evidence of bias. That subsection states: “Extrinsic evidence of bias, prejudice, interest, or other motive to testify falsely may be admitted whether or not the witness has been examined about the impeaching fact and has failed to admit it.” Md. Rule 5-616(b)(3).

education, (2) the appropriateness of the expert testimony on the particular subject, and (3) *whether a sufficient factual basis exists to support the expert testimony.*” *Covel v. State*, 258 Md. App. 308, 329 (2023) (emphasis added) (citing Md. Rule 5-702). “The determination of whether an expert witness has an adequate factual basis for his opinion is discretionary and will not be overturned absent a showing of abuse.” *Diaz v. State*, 129 Md. App. 51, 76 (1999) (citing *Hunt v. State*, 321 Md. 387, 423 (1990)). As a general rule, expert testimony must “meet[] a minimum threshold of reliability” before being presented to a jury. *Harvin v. State*, 263 Md. App. 326, 346 (2024) (quoting *Abruquah v. State*, 483 Md. 637, 655 (2023)).

Mr. Weinberg argues only that evidence of potential bias is relevant and would not be unduly prejudicial. He does not challenge the court’s conclusion that the factual basis of the testimony—a Google search and a Wikipedia article—was not sufficiently reliable. Because we do not independently discern any abuse of discretion in this conclusion, we affirm.

**II. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN LIMITING MR. WEINBERG’S CROSS-EXAMINATION OF A.B.**

Mr. Weinberg next argues that the court abused its discretion by limiting his cross-examination of A.B. on her report of sexual abuse by another individual as reflected in the notes from A.B.’s counselor at Hope House. According to Mr. Weinberg, “this line of questioning went to the right of Mr. Weinberg to present a defense and to show that A.B. had lied while testifying.” Because the credibility of a witness is always

relevant, he asserts that “[f]ailure to permit this cross-examination in this critical area constitutes reversible error.”

The State responds that A.B.’s testimony on the issue would only be relevant if there were proof that she had lied when she alleged that another individual sexually abused her. The State asserts that, “[a]lthough defense counsel referred to ‘impeachment,’ it is clear from the record that counsel was not seeking to undermine A.B.’s credibility on the ground merely that she lied, once, about a prior report of abuse by another.” Instead, the State argues that defense counsel sought to use the counselor’s notes as substantive evidence.

Under the Sixth Amendment of the United States Constitution and Article 21 of the Maryland Declaration of Rights, criminal defendants have the right “to cross-examine witnesses about matters relating, among other things, to their biases, interests, or motives to testify falsely.” *Stanley v. State*, 248 Md. App. 539, 550-51 (2020). “The ability to cross-examine witnesses, however, is not unrestricted.” *Id.* (quoting *Martinez v. State*, 416 Md. 418, 428 (2010)). Trial courts “shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence[.]” Md. Rule 5-611(a). As part of this power, a court “may exercise its discretion to ‘impose reasonable limits on cross-examination when necessary for witness safety or to prevent harassment, prejudice, confusion of the issues, and inquiry that is repetitive or only marginally relevant.’” *Stanley*, 248 Md. App. at 551-52 (quoting *Martinez*, 416 Md. at 428). “In summary, ‘[a] judge must allow a defendant wide latitude to cross-examine a witness as to bias or

prejudices, but the questioning must not be allowed to stray into collateral matters which would obscure the trial issues and lead to the factfinder’s confusion.” *Id.* at 552 (alteration in original) (quoting *Marshall v. State*, 346 Md. 186, 195 (1997)).

Maryland courts have made clear on numerous occasions that a “witness cannot be cross-examined as to any fact, which, if admitted, would be wholly collateral, and irrelevant to the matters in issue, for the purpose of contradicting him by other evidence, and in this manner to discredit his testimony.” *Dorsey v. State*, 276 Md. 638, 645 (1976) (quoting *Sloan v. Edwards*, 61 Md. 89, 105 (1883)). Put another way, “any witness may be cross-examined on matters and facts affecting his credibility, so long as such facts are not immaterial or irrelevant to the issue being tried.” *State v. Cox*, 298 Md. 173, 181 (1983).

Here, the issue of whether A.B. had previously reported that she was abused by another individual is not relevant to the determination of whether Mr. Weinberg abused her. Defense counsel did not proffer that A.B. had reported that she was in fact abused by this other individual *and not by Mr. Weinberg*. Defense counsel also did not suggest that A.B. had lied in her report that another individual abused her. In short, A.B.’s report of abuse by someone other than Mr. Weinberg is a wholly collateral issue, and the trial court could properly limit cross-examination concerning it. *See Anderson v. State*, 220 Md. App. 509, 524 (2014) (“[T]he question is not whether the [witness’s] *credibility* was a collateral issue; it is whether *the fact or matter that was being used to impeach his credibility* was a collateral issue. . . . [A]n irrelevant fact that comes into evidence does

not become relevant merely because there is extrinsic evidence to contradict it.”). The trial court did not abuse its discretion in limiting defense counsel’s cross-examination of A.B. concerning whether she lied about having made a statement that was not relevant to the case at hand.

### **CONCLUSION**

We hold that the circuit court did not err in denying Mr. Weinberg’s request to present evidence concerning A.B.’s possible affiliation with a Black Israelite group. Further, the court did not abuse its discretion in limiting defense counsel’s cross-examination of A.B. on a collateral matter. Accordingly, we affirm the judgments of the circuit court.

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