

Circuit Court for Baltimore City
Case No. 123297006

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1565

September Term, 2024

JEWEL CROWDER

v.

STATE OF MARYLAND

Ripken,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Tang, J.

Filed: March 13, 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).

Following a jury trial in the Circuit Court for Baltimore City, the appellant, Jewel Crowder, was convicted of voluntary manslaughter, use of a firearm in a crime of violence, and reckless endangerment. The court sentenced him to twenty years' imprisonment, the first five without the possibility of parole. On appeal, the appellant presents the following questions, which we rephrase for clarity:¹

- I. Did the court err in refusing to ask the venire, “Does anybody have strong feelings about someone using deadly force in defense of themselves or others?”
- II. Did the court abuse its discretion by relying on impermissible considerations during sentencing?

For the following reasons, we shall affirm the convictions.

BACKGROUND

On the evening of September 29, 2023, Ryan Demby was fatally shot in the 1100 block of South Charles Street in Baltimore City. The State charged the appellant with murder, use of a firearm in a crime of violence, and reckless endangerment. The appellant admitted to the shooting but asserted that he was acting in self-defense or defense of others.

On the first day of trial, the court addressed certain voir dire issues raised by the parties. In relevant part, defense counsel asked the court to ask the jury venire the following question: “Does anybody have strong feelings about someone using deadly force in defense

¹ In his brief, the appellant phrases the issues as follows:

1. Did the court err in refusing to ask the venire about strong feelings on the use of deadly force in self-defense or defense of others?
2. Did the court err in sentencing [the appellant] for murder, which he was acquitted of?

of themselves or others?” The court declined, explaining, “I just don’t think voir dire is the appropriate time for a self-defense argument to be raised. Unlike the allegations of the State, you are substituting—kind of introducing something that may or may not pan out in evidence.” The court ultimately conducted voir dire without asking the question, and, after empaneling a jury, it proceeded with trial.

The jury acquitted the appellant of murder but found him guilty of voluntary manslaughter and the other two charged offenses. The court imposed a sentence of ten years’ incarceration for voluntary manslaughter; ten years’ consecutive for use of a firearm in a crime of violence, the first five years to be served without parole; and four years’ incarceration for reckless endangerment, to run concurrent with the sentence for use of a firearm. The appellant noted this timely appeal.

DISCUSSION

I.

VOIR DIRE

The appellant argues that the court abused its discretion by not asking the requested voir dire question. An appellate court reviews a trial court’s decision as to whether to ask a voir dire question for abuse of discretion. *Mitchell v. State*, 488 Md. 1, 16 (2024); see *Dingle v. State*, 361 Md. 1, 14 (2000) (explaining that the trial court has broad discretion in “determin[ing] the content and scope of the questions on voir dire” and “how voir dire will be conducted”). “[A] trial court must ask a voir dire question upon request if it is

reasonably likely to reveal specific cause for disqualification.” *Mitchell*, 488 Md. at 16–17 (citation modified).

“There are two categories of specific cause for disqualification: (1) a statute disqualifies a prospective juror; or (2) a collateral matter is reasonably liable to have undue influence over a prospective juror.” *Id.* at 17. “The second category comprises ‘biases directly related to *the crime*, the witnesses, or the defendant.’” *Id.* (citation omitted) (emphasis added). The failure to ask questions that may show cause for disqualification is an abuse of discretion constituting reversible error. *Id.* at 16. For instance, a court abuses its discretion by refusing to ask, “whether any prospective juror has ‘strong feelings’ about the crime with which the defendant is charged.” *Pearson v. State*, 437 Md. 350, 363 (2014) (citation omitted). Other mandatory areas of inquiry include religious, racial, ethnic, and cultural bias, and placement of undue weight on police officer credibility. *Dingle*, 361 Md. at 10 n.8 (collecting cases).

The appellant argues that the court applied the wrong legal standard in declining to ask the requested question when it stated, “I just don’t think voir dire is the appropriate time for a self-defense argument to be raised.” Even assuming the court applied the correct law, the appellant argues that the court abused its discretion by not posing the requested question because it would have uncovered biases against the crimes with which he was charged.

We disagree with the appellant on both points. Regarding the first point, the court’s explanation did not signify the application of the wrong legal standard; instead, it was an

explanation of why, in its discretion, it was denying the appellant’s request. As to the second point, the requested question was not about whether any venire member had strong feelings about *the crime charged* (murder, use of a firearm in a crime of violence, and reckless endangerment). Rather, it asked about the jury panel’s feelings toward *defenses* the appellant anticipated presenting during trial. In other words, the question about self-defense and defense of others did not fall within one of the categories of mandatory inquiries under precedential Maryland law. Accordingly, the court did not abuse its discretion in refusing to ask the requested question for the reason it gave.

The appellant relies on *Logan v. State*, 164 Md. App. 1 (2005) (“*Logan I*”), for the proposition that the trial court erred by not asking a voir dire question about the defense of not criminally responsible (“NCR”). However, his reliance on this case is unavailing.

After a jury trial, Logan was found “criminally responsible” and convicted of two counts of second-degree murder and two counts of use of a handgun during the commission of a crime of violence. *Logan I*, 164 Md. App. at 7. On appeal, he argued, among other things, that the trial court abused its discretion when it refused to give his proposed multi-part voir dire question concerning whether the venire harbored a bias toward an NCR defense. *Id.* at 7–8. The trial court declined to ask Logan’s proposed question. *See id.* at 54–55.

On appeal, Logan argued that the trial court’s refusal to ask the multi-part question rendered the voir dire process constitutionally inadequate to uncover potential bias, preconceived notions, and strong emotional reactions to the NCR defense. *Id.* at 56–57.

This Court agreed “that the subject matter of the NCR defense was of considerable importance, and it should have been carefully explored on voir dire.” *Id.* at 62. In relevant part, we stated:

In connection with [Logan’s] NCR defense, the jury had to determine whether he suffered from a mental illness that negated his criminal responsibility. Some members of the venire might have been disdainful of an NCR defense, particularly in the context of the shooting deaths of two law enforcement officers who were killed in the line of duty. *Precisely because the subject matter of an NCR defense is a controversial one*, the trial court should have inquired whether any prospective jurors had reservations or strong feelings regarding such a defense.

Id. at 66 (emphasis added). With respect to most parts of the question, we held that the trial court “erred or abused its discretion in failing to propound questions concerning juror attitudes and potential bias about an NCR defense.” *Id.* at 69.

In *State v. Logan*, 394 Md. 378 (2006) (“*Logan II*”), the Supreme Court of Maryland affirmed our decision to reverse, but on different grounds, concluding that the trial judge improperly admitted evidence of Logan’s videotaped confession obtained in violation of *Miranda v. Arizona*, 384 U.S. 436 (1966), and the error was not harmless. *Logan II*, 394 Md. at 387–91. Although the Court recognized that its decision rendered the voir dire issue moot, it went on to address the issue “for guidance because on retrial it [was] likely to arise again.” *Id.* at 391.

Notably, the Court stated that “[d]efenses, including the NCR defense, do not fall within the category of mandatory inquiry on voir dire.” *Id.* at 397, *abrogated on other grounds*, *Kazadi v. State*, 467 Md. 1, 46 (2020). The Court found no error with respect to one part of Logan’s proposed question. *Id.* at 400. As to the other parts of the question, the

Court concluded that each was improperly phrased and, accordingly, the trial court did not abuse its discretion by refusing to ask them. *Id.* at 398.

Even assuming *Logan I* is controlling precedent, as the appellant argues, our reasoning about the question regarding the NCR defense does not apply to the question at issue here, which was about the use of deadly force in self-defense or the defense of others. As we explained in *Logan I*, NCR defenses are uniquely controversial, whereas other defenses, like self-defense, are not. *See Logan I*, 164 Md. App. at 69 (citing *State v. Frederiksen*, 700 P.2d 639, 372 (1985), which concluded that “self-defense in general did not fall within any of the three classes raising a real possibility of bias” but recognized that a case involving the insanity defense, as to which the public is “commonly known to harbor strong feelings,” could present a real possibility of prejudice).

For the reasons stated, the trial court did not abuse its discretion in declining to ask the appellant’s requested voir dire question.

II.

SENTENCING

The appellant argues that the court relied on impermissible considerations during sentencing by sentencing him “not for what the jury actually convicted him of, but for what *the court would have* convicted him of, murder.” The issue was not preserved because defense counsel did not object during sentencing.

Maryland Rule 8-131(a) provides that “[o]rdinarily, an appellate court will not decide any other 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” “Under Maryland Rule 8-131(a), a defendant must object to preserve for appellate review an issue as to a trial court’s impermissible considerations during a sentencing proceeding.” *Sharp v. State*, 446 Md. 669, 683 (2016) (citing *Abdul-Maleek v. State*, 426 Md. 59, 69 (2012) (“[T]here is no good reason why either the circumstances presented here should be exempt from the preservation requirement or the trial court should not have been given the opportunity to address at the time the concern that Petitioner now raises.”)). Accordingly, in *Abdul-Maleek*, the Supreme Court of Maryland held that, by failing to object, a defendant failed to preserve for appellate review an issue as to a trial court’s impermissible considerations during a sentencing proceeding. 426 Md. at 69.

The appellant argues that the issue was preserved because, despite not having been *raised* below, it was “decided by the trial court.” Md. Rule 8-131(a). This is because, as he asserts, “the court *decided* to sentence [the appellant] based, not on the verdict, but on ‘its own view of the evidence.’” The appellant adds that it would have been futile for defense counsel to object to the court’s sentence when the court allegedly ignored the verdict. We are not persuaded by these arguments, as our caselaw articulates a different view:

When, as in this case, a judge’s statement from the bench about the reasons for the sentence gives rise to the claim of impermissible sentencing considerations, defense counsel has good reason to speak up. A timely objection serves an important purpose in this context. Specifically, it gives the court opportunity to reconsider the sentence in light of the defendant’s complaint that it is premised upon improper factors, or otherwise to clarify the reasons for the sentence in order to alleviate such concerns. *See* Md. Rules 4-342, 4-345. As recognized in the rule, it is the availability of an

opportunity to ask for and obtain immediate relief from the sentencing court that determines whether a contemporaneous objection is necessary. Simply stated, when there is time to object, there is opportunity to correct.

Reiger v. State, 170 Md. App. 693, 701 (2006) (footnote omitted) (concluding that issue was unpreserved where defendant had “ample opportunity to object to the sentencing court’s allegedly impermissible consideration” and the challenged comments “were all made well before the court announced the actual sentence”). For the reasons stated, we decline to consider the appellant’s unpreserved contention that the court relied on impermissible considerations during sentencing.

**JUDGMENTS OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**