

Circuit Court for Prince George's County
Case No. C-16-CR-22-000655

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1668

September Term, 2024

LANCE GATLING

v.

STATE OF MARYLAND

Wells, C.J.,
Kehoe, S.,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wells, C.J.

Filed: July 14, 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 persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

A jury seated in the Circuit Court for Prince George’s County convicted appellant Lance Lamont Gatling of second-degree assault, use of a firearm in the commission of a crime of violence, wearing/carrying/transporting a handgun on his person, and two counts of reckless endangerment. He was sentenced to a total of thirty years’ incarceration.

In this appeal, Gatling contends that the trial court committed reversible error in two respects: *first*, by restricting his cross-examination of the State’s witness, Charles Johnson; and *second*, by declining to instruct the jury that his defense of others extended to Leara Davis’ unborn child. For the reasons discussed below, we hold that the trial court acted within its discretion in limiting the scope of Johnson’s cross-examination, and that the court correctly declined to give the requested jury instruction. Accordingly, we affirm the judgments of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

A. The Incident and the Competing Accounts

The State alleged that Gatling shot Giles Warrick outside the Riverside Plaza Apartments in Oxon Hill on October 28, 2022. At the time, Gatling was in a romantic relationship with Lakeasha Coley, whose daughter, Leara Davis, he considered his stepdaughter. Leara¹ had previously been in a relationship with Charles Johnson, who had since become involved with another woman, Deandra Thomas. On the night of the

¹ Throughout this opinion, we refer to the women—Lakeasha Coley, Leara Davis, and Deandra Thomas—by their first names simply to ease any confusion caused by how many people were involved in the background of this case. We mean absolutely no disrespect in doing so.

shooting, Johnson asked Leara, who was eight months pregnant, to come to the Riverside Plaza Apartments to retrieve their pet dog. Leara drove to the complex, with Gatling and Coley following in a separate car.

What happened next was disputed at trial. Warrick, Deandra's cousin, testified that an argument broke out between the three women: Deandra on one side, and Lakeasha and Leara (mother and daughter), on the other. Warrick testified that he stood between the groups, trying to protect Deandra, when Gatling shot him. Warrick further testified that after being shot and falling down, he got up and rushed Gatling when he saw Gatling point the gun at Deandra. At that point, Gatling shot Warrick a second time. Warrick testified that he never witnessed anyone assault Leara.

Gatling testified in his own defense and gave an entirely different account. He told the jury that as he was questioning Johnson about why he had brought Deandra (the new girlfriend) to the scene while Leara (the former girlfriend) was present, he heard someone call his name and turned to see Deandra dragging Leara by her hair while Warrick kicked her in the stomach. Gatling testified that he feared Leara could have been injured enough to cause a miscarriage, so he shot Warrick under the belief that immediate intervention was necessary. After Warrick fell, Gatling claims he gathered everyone into a car and left the scene.

Johnson testified as a prosecution witness and corroborated Warrick's version of events. He testified that Lakeasha and Leara initiated a physical confrontation with

Deandra and Johnson, who appeared intoxicated, then Gatling shot Warrick multiple times without provocation.

B. Cross-Examination of Charles Johnson

Defense counsel challenged Johnson’s credibility through extensive cross-examination spanning approximately twenty-five trial transcript pages. The defense elicited from Johnson an acknowledgment that he had pled guilty to felony theft in March 2024, even though Johnson initially denied being a thief. Defense counsel also revealed that Johnson’s direct examination testimony about Deandra being absent from trial due to a death in the family was a lie. She was, in fact, incarcerated in Montgomery County. Finally, counsel played a portion of Johnson’s police interview in which he said that Deandra was “putting her hands on people” and “whooping ass,” contradicting his trial testimony

But the court did not permit the defense from pursuing three additional lines of cross-examination. *First*, after establishing Johnson’s theft conviction, defense counsel attempted to inquire about the specific conduct underlying it, allegedly a scheme involving Deandra to commit a robbery at Dollar General where Johnson worked as a cashier. The trial court sustained the State’s objection, concluding that the conviction itself accomplished the permissible impeachment and further inquiry into the underlying facts would amount to a “mini trial.”

Second, the defense sought to explore Johnson’s probationary status and the prospect of Johnson receiving backup time. Counsel argued Johnson had an incentive to

testify favorably for the State to avoid a probation violation. The trial court sustained the objection, saying that having to explain the probation system to the jury would be irrelevant and confuse the issues.

Third, defense counsel attempted to question Johnson about a handgun charge that had been placed on the stet docket.² The defense’s theory was that the stetted case gave Johnson additional incentive to curry favor with the Prince George’s County State’s Attorney’s Office. The trial court sustained the prosecution’s objection.

C. The Defense of Others Instruction

The defense requested that the jury be instructed, in connection with the attempted murder charges, that Gatling’s defense of others included not only Leara but also her unborn child, identified as “Lamir Davis.” Defense counsel argued that the Maryland homicide statute extends to viable fetuses, and that because Leara was eight months pregnant and well past viability, the defense-of-others instruction should cover the unborn child as well.

² In Maryland, a “stet” (derived from the Latin word meaning “let it stand”) is an indefinite postponement of prosecution. When a case is placed on the “stet docket”—a colloquial term for marking a case as inactive—it is paused without a finding of guilt or a conviction. The charges remain on the court’s books, but all scheduled trial and hearing dates are removed from the docket. If the case remains on the stet docket for a year, either the State or the defendant may ask the case to be removed from inactive status and put in for trial. If the case remains on the stet docket longer than a year, the State must advance a good cause reason to the court to place the case on the active trial docket. See Maryland Rule 4-248 for criminal charges, or Maryland Rule 11-420 for juvenile delinquency charges.

The trial court declined the request, stating simply: “I’m not instructing on an unborn child.” The court gave a defense-of-others instruction as to Leara for both the assault and the attempted murder charges, but did not reference her unborn child.

D. Verdict and Sentence

The jury acquitted Gatling of attempted first-degree murder, attempted second-degree murder, and first-degree assault, but convicted him of second-degree assault, use of a firearm in the commission of a crime of violence, wearing/carrying/transporting a handgun on his person, and two counts of reckless endangerment. The court later sentenced Gatling to ten years’ incarceration on the second-degree assault count, a consecutive twenty years on the firearm counts, which were merged, and concurrent five-year terms on the reckless endangerment counts. This timely appeal followed.

STANDARD OF REVIEW

A trial court’s decision to limit the scope of cross-examination is reviewed for abuse of discretion. *Peterson v. State*, 444 Md. 105, 124 (2015). But, where the restriction is based on a legal determination, appellate review is less deferential. *Id.* The overarching constitutional inquiry is whether the cumulative effect of the trial court’s rulings denied the appellant the “threshold level of inquiry” required by the Confrontation Clause of the Sixth Amendment of the United States Constitution. *Id.*; *State v. Galicia*, 479 Md. 341, 359 (2018).

A trial court’s decision whether to give a requested jury instruction is reviewed for abuse of discretion. *Rainey v. State*, 480 Md. 230, 255 (2022). The threshold determination of whether the evidence is sufficient to generate the requested instruction is a question of

law reviewed de novo. *Bazzle v. State*, 426 Md. 541, 548–50 (2012). This Court views the evidence in the light most favorable to the party requesting the instruction, and the requesting party need only produce “some evidence” to support it. *Rainey*, 480 Md. at 255.

DISCUSSION

I. The Trial Court Did Not Abuse Its Discretion in Limiting Cross-Examination of Charles Johnson.

A. Parties’ Contentions

Gatling contends that the trial court improperly restricted his cross-examination of Johnson in three areas, each of which independently requires reversal. He argues: (1) that Rule 5-608(b) permitted inquiry into the facts underlying Johnson’s theft conviction because those facts were probative of a character trait for untruthfulness; (2) that Johnson’s active probation and backup time gave him a powerful incentive to testify favorably for the State, making the subject a proper area of cross-examination; and (3) that the statted handgun charge similarly demonstrated Johnson’s motivation to please the prosecuting office.

The State contends the trial court properly exercised its broad discretion to regulate the scope of cross-examination on all three issues. As to the underlying facts of the theft conviction, the State argues that because the specific facts to which Johnson pled guilty were not established in the record, further inquiry would have required a “mini trial” on collateral matters. As to probation, the State argues Gatling failed to establish the factual predicate necessary to support a bias inquiry, specifically, that Johnson had an expectation

of receiving a benefit from the State. The State further argues that any error was harmless because the jury’s verdict itself demonstrates that it did not credit Johnson’s testimony.

B. Applicable Legal Rules

Both the Sixth Amendment to the United States Constitution and Article 21 of the Maryland Declaration of Rights guarantee a defendant’s right to cross-examine adverse witnesses. *Manchame-Guerra v. State*, 457 Md. 300, 309 (2018). That right, however, is not unlimited: a defendant is entitled to “an opportunity for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish.” *Delaware v. Fensterer*, 474 U.S. 15, 20 (1985).

To satisfy a defendant’s confrontation rights, the trial court must permit a “threshold level of inquiry.” *Galicia*, 479 Md. at 359 (quoting *Peterson*, 444 Md. at 122). Once that threshold is met, the trial court has “considerable discretion to limit the scope of cross-examination to prevent, among other things, ‘prejudice, confusion of the issues, and inquiry that is repetitive or only marginally relevant.’” *Galicia*, 479 Md. at 360 (quoting *Manchame-Guerra*, 457 Md. at 309).

With respect to impeachment based on prior conduct, Rule 5-608(b) permits a witness to be examined about prior conduct that did not result in a conviction but which the court finds probative of a character trait of untruthfulness. If the conduct did result in a conviction, the Maryland Supreme Court has held that such conduct may also be relevant under Rule 5-608(b). *Thomas v. State*, 422 Md. 67, 76 (2011). Even so, the court retains

discretion to regulate the scope and manner of that examination, including on concerns about “mini trials” on collateral matters. *Id.*

As for bias, the Confrontation Clause includes the right to cross-examine a witness about pending charges that might give the witness a motive to testify favorably for the State. *Calloway v. State*, 414 Md. 616, 637 (2010). However, the existence of pending charges or a probationary status alone is not a sufficient predicate for such questioning. *Peterson*, 444 Md. at 135. There must be direct or circumstantial evidence establishing that “the witness has an expectation of benefitting from the testimony with respect to the pending charges.” *Id.* at 135–36. Relevant circumstantial indicia include “an agreement with the prosecution to resolve charges in return for testimony,” or “release of witness from custody, dismissal of charges, a decision to forgo charges, [or] postponement of disposition of a violation of probation charge.” *Id.* The predicate “becomes attenuated when the charges are pending in another jurisdiction.” *Id.* at 136. “[E]ven if there is a factual foundation to ask a witness about the witness’s expectation of a benefit with respect to pending charges, a trial court may limit such questioning if the probative value of such an inquiry is substantially outweighed by the danger of undue prejudice or confusion.” *Id.*

C. Application

1. Facts Underlying Johnson’s Theft Conviction

Gatling is correct when he asserts that Rule 5-608(b) may, in appropriate circumstances, permit cross-examination about the conduct underlying a prior conviction. *Thomas*, 422 Md. at 76. But even accepting that premise, the trial court did not abuse its discretion in declining to permit the inquiry here. The problem was evidentiary, not legal.

Defense counsel presented the trial court with the statement of probable cause from Johnson’s theft case, but the record does not establish what facts Johnson admitted when he pleaded guilty. The trial court reasonably expressed concern that allowing examination premised on the probable cause statement, rather than on the facts to which Johnson pled, would invite a collateral dispute about what Johnson actually did, requiring the jury to resolve competing accounts of an entirely separate criminal case. In other words, as the court feared, the trial could have been sidetracked by a “mini trial” on a matter completely tangential to the central issues.

But critically, the jury already had before it the most probative aspect of Johnson’s theft history: the conviction itself, including the fact that Johnson initially denied being a thief before being confronted with his own guilty plea. The marginal value of additional details about the mechanics of the theft scheme was substantially outweighed by the risk of confusion and delay. We hold the trial court did not abuse its discretion by drawing the line there. *See Galicia*, 479 Md. at 360.

2. Johnson’s Probation and Backup Time

As for the court’s restriction to the defense cross-examining Johnson about his backup time while on probation, Gatling’s reliance on *Calloway* and *Dionas v. State*, 199 Md. App. 483 (2011), *rev’d on other grounds*, 436 Md. 97 (2013), is misplaced. In both of those cases, the factual predicate for a bias inquiry was well-established. In *Calloway*, 414 Md. at 637, the witness had reached out to the State’s Attorney’s Office and volunteered to testify against the defendant, pending criminal charges against him were subsequently

dismissed, and a probation violation was charged despite clear grounds for it. In *Dionas*, 436 Md. at 104–05, a violation-of-probation hearing had been expressly postponed pending the witness’s cooperation with the prosecution, and the VOP judge had specifically anticipated a report on the witness’s cooperation.

None of those facts are present here. The defense offered no evidence that the State had taken any action, or refrained from taking any action, with respect to Johnson’s probation in connection with his testimony. Johnson’s probation arose from a conviction in Montgomery County, not in Prince George’s County where Gatling’s trial took place, further attenuating any suggestion that the prosecuting office exerted meaningful influence over it. *See Peterson*, 444 Md. at 136.

Gatling’s theory of bias, specifically, that Johnson feared a probation violation because he had maintained contact with his co-defendant in that case, was undercut by the record. Defense counsel’s own cross-examination revealed that Johnson had moved to have the no-contact condition with his co-defendant formally removed. The precise terms of Johnson’s probation at the time of trial, and whether contact with his co-defendant would have constituted a violation, were uncertain. Without more, the trial court reasonably concluded that the probative value of this inquiry was substantially outweighed by the risk of confusion, particularly given the court’s concern that explaining the mechanics of the probation system to the jury would itself be a distraction. On this record, we perceive no abuse of discretion.

3. The Stetted Handgun Charge

The trial court also did not abuse its discretion in declining to permit cross-examination about the handgun charge placed on the Prince George’s County stet docket. The same analysis applicable to the probation inquiry controls here: the mere existence of a stetted charge, without more, does not establish that the witness harbored an expectation of benefit from the State in exchange for favorable testimony. *See Peterson*, 444 Md. at 135. And importantly, by the time the defense sought to raise the stetted charge, the defense had vigorously assailed Johnson’s credibility. The jury had heard that he was a convicted felon who had initially lied about being a thief, had falsely testified about Deandra’s whereabouts, and had made prior statements to police that directly contradicted his trial testimony. In this context, the trial court’s decision to prevent the additional impeachment inquiry, which risked unfairly prejudicing Johnson and confusing the jury about whether they could hold the substance of the charge against him, was a reasonable exercise of its discretionary authority.

D. Harmless Error

Assuming for the sake of argument that any of the trial court’s rulings constituted error, we would still affirm because any error was harmless beyond a reasonable doubt. *Dorsey v. State*, 276 Md. 638, 659 (1976). In evaluating the harmlessness of restrictions on cross-examination, courts consider the importance of the witness’s testimony to the prosecution’s case, whether the testimony was cumulative, the presence of corroborating or contradicting evidence, the extent of cross-examination otherwise permitted, and the overall strength of the case. *Delaware v. Van Arsdall*, 475 U.S. 673, 684 (1986).

The jury’s verdict speaks for itself. All three restricted lines of cross-examination were directed at impeaching Johnson’s credibility. But the jury acquitted Gatling of attempted first-degree murder, attempted second-degree murder, and first-degree assault, despite Johnson’s testimony that Gatling had shot Warrick without justification during an unprovoked attack. The acquittals demonstrate that the jury did not credit Johnson’s account of the shooting.

The jury’s guilty verdicts on second-degree assault, firearm use, and reckless endangerment reflect the jury’s assessment of evidence that was largely undisputed. In other words, Gatling did not contest that he shot Warrick with a firearm. The question the jury resolved against him was not whether Johnson was truthful, but whether Gatling used more force than was necessary. One may safely conclude the jury drew an inference from Gatling’s own testimony that he shot Warrick four times without pausing. No amount of additional impeachment of Johnson could have changed that calculus. Any error in restricting cross-examination was therefore harmless beyond a reasonable doubt.

II. Gatling’s Argument on the Trial Court’s Refusal to Instruct the Jury that His Defense of Others Included Leara Davis’ Unborn Baby is Unpreserved.

A. Parties’ Contentions

In his next allegation of error, Gatling contends that because Maryland’s homicide statute permits prosecution for the murder or manslaughter of a viable fetus, it logically follows that a viable fetus may be the subject of a defense-of-others instruction. Because Leara was eight months pregnant, well past the threshold of viability, Gatling argues the

trial court was required to instruct the jury that his defense of others encompassed the unborn baby.

In response, the State argues: (1) Gatling’s argument is unpreserved because the instruction was requested only in connection with the attempted murder charges, not the assault charges on which he was actually convicted; (2) the instruction was not a correct statement of the law because a fetus is not a “person” for purposes of defense of others; and (3) any error was harmless because the jury clearly accepted the defense-of-others theory and found only that Appellant used excessive force.

B. Analysis

We agree with the State that Gatling did not properly preserve this argument with respect to the assault counts on which he was convicted. Maryland Rule 4-325(f) provides that “[n]o party may assign as error the giving or the failure to give an instruction unless the party objects on the record promptly after the court instructs the jury, stating distinctly the matter to which the party objects and the grounds of the objection.” The record reflects that Gatling’s request to include the unborn baby in the defense-of-others instruction was made exclusively during the discussion of the attempted murder charges. He did not separately request that instruction as to the assault charges, and he did not lodge a specific objection when the court instructed the jury on assault using the general “defense of another” formulation without mentioning the unborn baby. His general reservation “subject to [their] earlier discussions” was insufficient to preserve the argument as to the assault counts. *See Tucker v. State*, 407 Md. 368, 379–80 (2009). Because the jury acquitted

Gatling of the attempted murder charges for which he did preserve the argument, the preserved objection presents no reviewable issue as there is no conviction to reverse. The argument is therefore unpreserved for purposes of this appeal, and we decline to consider it.

CONCLUSION

For the foregoing reasons, we hold that the trial court did not abuse its discretion in limiting cross-examination of Charles Johnson, and that even if it had, any error was harmless beyond a reasonable doubt. We further hold that Gatling did not preserve his argument that the trial court improperly declined to instruct the jury that Gatling's defense of others included Leara's unborn baby, and this argument is therefore not considered on appeal. The judgments of the Circuit Court for Prince George's County are accordingly affirmed.

**THE JUDGMENTS OF THE CIRCUIT
COURT FOR PRINCE GEORGE'S
COUNTY ARE AFFIRMED.
APPELLANT TO PAY THE COSTS.**