

Circuit Court for Howard County
Case No. C-13-CR-24-000151

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2173

September Term, 2024

EMANDA PATIENCE PRATT

v.

STATE OF MARYLAND

Nazarian,
Leahy,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 24, 2026

*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.

Convicted by a jury in the Circuit Court for Howard County of use of threats, force, or corrupt means against a witness and obstruction of justice, Emanda Patience Pratt, appellant, presents for our review a single issue: whether the court “commit[ted] plain error in allowing the State to make a golden rule argument.” For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State produced evidence that in 2023, Ms. Pratt’s 2010 Mercedes was brought to an auto repair shop known as Dominion Tire for repair. When the repair was completed, Dominion staff contacted Ms. Pratt, who indicated that she was unable to pay for the repair. The vehicle remained at Dominion for approximately two months. In September 2023, Ms. Pratt went to Dominion and engaged in an altercation with Dominion employee Mahmoud Akasha. Ms. Pratt was subsequently charged in the District Court for Howard County with second degree assault. Ms. Pratt and Dominion subsequently reached an agreement under which Ms. Pratt paid a portion of the amount owed to Dominion, and the business released Ms. Pratt’s vehicle to her. On January 25, 2024, Ms. Pratt failed to appear for trial in the district court, and the court issued a bench warrant for her. Later that day, Ms. Pratt called Dominion and spoke with Mr. Akasha. Ms. Pratt “was under the impression that there shouldn’t be a court date or . . . trial.” When Mr. Akasha told Ms. Pratt “that she should speak to her attorney,” Ms. Pratt replied: “[I]f this case isn’t dropped you’re f-ing dead.” Mr. Akasha subsequently called police.

Ms. Pratt contends that the court “committed plain error in allowing the prosecutor to make a golden rule argument in closing.” Following the close of the evidence, the prosecutor argued, in pertinent part:

And what really undergirds this whole case is that this is something that we hold dear in this country, the ability of people who are called who are victims or witnesses to be able to testify and do so freely. And it is the core value of our government in this country and the state. You know, if you were subpoenaed as a witness you would hope that you would feel safe to do so. And it's a core value of what we hold dear, that we can testify and we can be honest and we don't have to fear that we're going to die to do it.

* * *

[B]ecause of the value of making sure that people can testify when they are called to do so, freely, safely, without fear for their families or themselves, or their colleagues, the State would ask you to find the Defendant guilty of all counts.

Ms. Pratt contends that this argument “was an improper golden rule remark that requires reversal because the remark was severe, no curative measures were taken, and the evidence against [her] was lacking.” Acknowledging that “no objection to the improper argument was lodged by defense counsel,” Ms. Pratt contends that “plain error review is warranted.”

We decline to engage in such review. Although this Court has discretion to review unpreserved errors pursuant to Rule 8-131(a) (“[o]rdinarily, an appellate court will not decide any . . . 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 or to avoid the expense and delay of another appeal”), the Supreme Court of Maryland has emphasized that appellate courts should “rarely exercise” that discretion, because “considerations of both fairness and judicial efficiency ordinarily require that all challenges that a party desires to make to a trial court’s ruling, action, or conduct be presented in the first instance to the trial court[.]” *Ray v. State*, 435 Md. 1, 23

(2013) (internal citation omitted). Therefore, plain error review “is reserved for those errors that are compelling, extraordinary, exceptional[,] or fundamental to assure the defendant of a fair trial.” *Savoy v. State*, 218 Md. App. 130, 145 (2014) (internal citation and quotations omitted). Under the circumstances presented here, we decline to overlook the lack of preservation, and do not exercise our discretion to engage in plain error review. *See Morris v. State*, 153 Md. App. 480, 506-07 (2003) (noting that the words “[w]e decline to do so” are “all that need be said, for the exercise of our unfettered discretion in not taking notice of plain error requires neither justification nor explanation” (emphasis and footnote omitted)).

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