

Circuit Court for Prince George's County
Case No. CT220297X

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2355

September Term, 2024

COREY DONNELLE JOHNSON

v.

STATE OF MARYLAND

Friedman,
Kehoe, S.,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 14, 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.

Following a jury trial in the Circuit Court for Prince George’s County, Corey Donnelle Johnson, appellant, was convicted of first-degree rape, second-degree rape, assault with intent to rape, assault with intent to rob, attempted robbery, and attempted robbery with a deadly weapon. He raises a single issue on appeal: whether the court abused its discretion in refusing to propound voir dire questions that might have revealed whether prospective jurors met the statutory qualifications for jury service. The State concedes that the court abused its discretion in not asking the questions requested by appellant. We agree and shall reverse the judgment of the circuit court. In light of our decision, it is not necessary to set forth all the evidence at trial that supported appellant’s convictions.

Prior to trial, the State and appellant submitted a “Joint Proposed Voir Dire,” requesting the court to ask potential jurors whether they met the statutory requirements to serve on a jury including, relevant to this appeal, whether they: (1) were “at least 18 years old,” and (2) could “read, write or understand English well enough to serve as a juror[.]” After the court conducted its initial questioning of the prospective jurors, the parties informed the court that it had not asked certain questions they had requested. The court then asked the requested questions. Thereafter, the parties asked to approach the bench, and both the prosecutor and defense counsel informed the court that it had “missed some questions that might disqualify people.” Defense counsel specifically noted that the court had not asked if the prospective jurors were at least 18 and if they could read, write, or understand English. The prosecutor also noted that the court had not asked “if they’ve ever received a sentence of more than six months for any crime” or “if there was anything pending against them that’s punishable by six months.”

Following that bench conference, the clerk called the first group of prospective jurors, and the court indicated it would begin the jury selection process. The parties then asked to approach the bench again, and defense counsel asked the court if it was going to “ask the other questions that we requested[,]” to which the court responded “No, I’m not, no.” After the final juror was seated, appellant renewed his objection to “the Court not asking the disqualifying juror questions from yesterday.”

Appellant’s sole contention on appeal is that the court committed reversible error in not asking potential jurors whether they were at least eighteen years old and whether they had the ability to speak, write, or understand English. The State agrees, as do we.

Section 8-103 of the Courts and Judicial Proceedings Article sets forth the requirements for jury service, which, relevant to this appeal, include that a juror must be “an adult as of the day selected as a prospective juror,” and be able to “comprehend spoken English or speak English[.]” In *Owens v. State*, 399 Md. 388, 422 (2007), the Supreme Court held that, because “the pre-*voir dire*, processes of screening out disqualified jurors are not fail-safe” it is required for “trial judges to pose *voir dire* questions directed at exposing constitutional and statutory disqualifications when requested by a party.” And based on *Owens*, this Court has also held that a defendant’s convictions must be reversed when the trial court failed to propound a requested *voir dire* question that sought to uncover such statutory disqualifications. See *Benton v. State*, 224 Md. App. 612 (2015) (reversing convictions where the court refused to ask whether prospective jurors had been convicted of a crime punishable by more than six months’ incarceration); *Kegarise v. State*, 211 Md. App. 473 (2013) (reversing conviction where the court refused to ask prospective jurors if

they were United States citizens). As in those cases, appellant’s requested questions regarding whether prospective jurors were at least 18 years old and could read, write, or understand English sought to discover specific causes for disqualification set forth in Cts. & Jud. Proc. Art. § 8-103. Because the trial court did not ask those questions upon request, reversal is required.¹

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY REVERSED. COSTS TO
BE PAID BY PRINCE GEORGE’S
COUNTY.**

¹ Neither the Supreme Court of Maryland nor this Court has held that the failure, upon request, to ask voir dire questions that might expose statutory disqualifications for jury service is subject to harmless error review. In any event, we agree with the State that any error was not harmless given that: (1) multiple prospective jurors never answered questions at the bench, and (2) a jury questionnaire would not always allow for a determination as to whether an individual could understand English to a sufficient degree to be able to serve as a juror.