

Circuit Court for Howard County  
Case No. C-13-CR-23-000083

UNREPORTED\*  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2369

September Term, 2023

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MICHAEL HELMS

v.

STATE OF MARYLAND

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Reed,  
Zic,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Zic, J.

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Filed: February 20, 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 Rule 1-104(a)(2)(B).

This case arises from criminal proceedings in the Circuit Court for Howard County. Following a jury trial, Michael Helms, appellant, was convicted of failing to comply with a peace order and making a false statement to a police officer. The circuit court sentenced Mr. Helms to six months in the Howard County Detention Center for making a false statement to a police officer and 90 days, consecutive, for failure to comply with a peace order. He presents one question, which we have rephrased as follows: Whether there was sufficient evidence to support his conviction for failing to comply with a peace order.<sup>1</sup> For the following reasons, we affirm.

### **BACKGROUND**

In the early morning hours of November 23, 2022, Mr. Helms called 911 to report that someone was trying to break into his vehicle. In the 911 recording, which was played for the jury, Mr. Helms stated that the individual “had something in [his] hand[,]” but that he was unable to identify the object because the individual was “running away[.]”<sup>2</sup> Mr. Helms stated that the individual “ran over toward my neighbor’s house . . . [a]nd it kind of looked like [he] ran inside there.” He informed the dispatcher that it appeared the individual was trying to “cut [his] tires.”

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<sup>1</sup> Mr. Helms phrased the question as follows:

1. Was the evidence legally insufficient to support [Mr. Helms’] conviction for failing to comply with a peace order?

<sup>2</sup> Mr. Helms clarified to the dispatcher that he observed one male individual.

Howard County Police Officer Jonathan Zesati testified that he responded to the report of a theft from a vehicle in progress at Patuxent Oak Court in Elkridge at approximately 3:00 a.m. Upon arrival, Officer Zesati conducted an area check, but he did not locate anyone in the immediate vicinity. Officer Zesati spoke with Mr. Helms, who informed him that someone had attempted to break into his car and slash his tires before running into his neighbor's house. Mr. Helms told Officer Zesati that he had seen the face of the perpetrator, whom he identified as his neighbor's son, Robert Griffin, Jr. Officer Zesati inspected Mr. Helms's car and did not observe any damage. Video footage of the encounter from the officer's body-worn camera was played for the jury and entered in evidence.

Officer Zesati testified that he had responded to Mr. Helms's property on numerous occasions due to hostilities between Mr. Helms and his neighbor, Robert Griffin, Sr. On cross-examination, Officer Zesati stated that he believed that Mr. Helms suffered from mental health issues and that he was having a mental health episode on the morning of November 23, 2022.

Mr. Griffin, Jr. testified that his father, Robert Griffin, Sr., had lived on Patuxent Oak Court since 1991, and that Mr. Helms had been his father's neighbor for "15 or 20 years[.]" Mr. Griffin, Jr. testified that Mr. Helms "in various different ways ha[d] been terrorizing [him] and [his] family for many years." In response to the "negative and destructive" interactions he had with Mr. Helms, Mr. Griffin, Jr. successfully petitioned the circuit court for numerous peace orders against Mr. Helms and installed cameras and alarm systems on his father's property. Mr. Griffin, Sr. moved out of his home because

he could no longer endure “the harassment from Mr. Helms.” Mr. Griffin, Jr. obtained a peace order against Mr. Helms effective May 26, 2022, through November 25, 2022, because he and his family were “desperate to find any means whatsoever to keep [Mr. Helms] away from [them].”

According to Mr. Griffin, Jr., he was at home in Harford County, and not at his father’s house, during the early hours of November 23, 2022. He was shocked when he learned that Mr. Helms had called the police and accused him of breaking into his car and attempting to slash his tires.

Dawn Griffin, Mr. Griffin, Jr.’s wife, confirmed that Mr. Griffin, Jr. was at home with her in Harford County on November 23, 2022. She stated that she and her husband were scared “to death” of Mr. Helms and that she is afraid to get out of her car when she visits her father-in-law’s home. She explained that “[e]veryone in the household is always uncomfortable and just afraid of being terrorized and just tired of the whole situation.”

The jury found Mr. Helms guilty of making a false statement to a police officer and failing to comply with a peace order. This timely appeal followed.

## **DISCUSSION**

### **A. The Parties’ Contentions**

Mr. Helms contends that the evidence was insufficient to support his conviction for failing to comply with a peace order because, he argues, the State failed to establish that he engaged in a “course of conduct” that constituted criminal harassment under

§ 3-803 of the Criminal Law Article (“CL”) of the Maryland Code (2002, 2021 Repl. Vol.).<sup>3</sup>

The State maintains that the evidence presented was sufficient to sustain Mr. Helms’ conviction for failure to comply with a peace order because the elements necessary to prove a violation of a peace order are different than those required to prove the crime of harassment under CL § 3-803. In the alternative, the State argues that it presented sufficient evidence that Mr. Helms engaged in a course of conduct of harassment sufficient to satisfy the requirements of CL § 3-803.

**B. Standard of Review**

In reviewing a challenge to the sufficiency of the evidence, we “examine the record solely to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Beckwitt v. State*, 477 Md. 398, 429 (2022) (quoting *State v. Wilson*, 471 Md. 136, 159 (2020)) (cleaned up); accord *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). In our review of the record, “we view the State’s evidence, including all reasonable inferences to be drawn therefrom, in the light most favorable to the State” as the prevailing party. *Beckwitt*, 477 Md. at 429 (quoting *Wilson*, 471 Md. at 159) (cleaned up).

As such, “[o]ur role is not to review the record in a manner that would constitute a figurative retrial of the case.” *State v. Krikstan*, 483 Md. 43, 63 (2023) (citing *Walker v. State*, 432 Md. 587, 614 (2013)). To the contrary, the reviewing court “defer[s] to any

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<sup>3</sup> Mr. Helms does not challenge his conviction for making a false statement to an officer.

possible reasonable inferences the jury could have drawn from the admitted evidence and need not decide whether the jury could have drawn other inferences from the evidence, refused to draw inferences, or whether [the reviewing court] would have drawn different inferences from the evidence.” *State v. Mayers*, 417 Md. 449, 466 (2010) (citing *State v. Smith*, 374 Md. 527, 557 (2003)).

### **C. Analysis**

Section 3-1505 of the Courts and Judicial Proceedings Article (“CJP”) of the Maryland Code (1974, 2020 Repl. Vol., 2021 Supp.) provides the various forms of relief that may be included in a peace order. Specifically, as relevant to this case, a peace order may “[o]rder the respondent to refrain from contacting, attempting to contact, or harassing the petitioner. . . .” CJP § 3-1505(d)(1)(ii). An individual who violates the terms of a peace order is subject to the following penalties:

- (1) For a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and
- (2) For a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.

CJP § 3-1508(a).

Here, the peace order, which was admitted at trial, provided:

1. Unless stated otherwise below, this order is effective until 11/25/2022 at 11:59 p.m.
2. Respondent SHALL NOT commit or threaten to commit any of the following acts against ROBERT A GRIFFIN JR: an act which causes serious bodily harm; an act that places the petitioner or the person for whom protection is sought in fear of imminent serious bodily harm; assault; false imprisonment; *harassment*; stalking; trespass; malicious destruction of

property; misuse of telephone facilities and equipment; misuse of electronic communication or interactive computer service; revenge porn; or visual surveillance.

3. Respondent SHALL NOT contact (in person, by telephone, in writing, or by any other means), or attempt to contact, the person for whom protection is sought.
4. Respondent SHALL NOT enter the residence of the person for whom protection was sought at [House Number] FARM VIEW DR, FALLSTON, MD 21047 or wherever the person for whom protection was sought resides. (Residence includes yard, grounds, outbuildings, and common areas surrounding the dwelling)
5. Respondent SHALL STAY AWAY from:
6. The temporary residence(s) of the person for whom protection is sought at: [House Number] PATUXENT OAK CT., ELKRIDGE, MD 21075.

(Emphasis added.) The State’s theory of the case at trial was that Mr. Helms failed to comply with the peace order by harassing Mr. Griffin, Jr. Mr. Helms argues that in order to convict him, the State was required to establish that he engaged in “harassment” as defined by the applicable version of CL § 3-803, which provides in pertinent part:

(a) A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other:

- (1) with the intent to harass, alarm, or annoy the other;
- (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and
- (3) without a legal purpose.

Mr. Helms further observes that “course of conduct” is defined in the same subtitle as “a

persistent pattern of conduct, composed of a series of acts over time, that shows a continuity of purpose.” CL § 3-801. Neither the instant peace order nor CJP § 3-1508, however, incorporates the elements of CL § 3-803. We disagree, therefore, that the State was required to prove the elements of criminal harassment as provided in CL § 3-803.

Moreover, the term “harass” (or any variation thereof) is not defined in CJP § 3-1505 or § 3-1508. In the absence of legislative intent to the contrary, we presume that the General Assembly intended the term “harassment” in CJP § 3-1508 to have its plain and ordinary meaning. “[W]hen statutory definitions are not explicitly provided, ‘we determine the intended scope of the term by applying the language’s natural and ordinary meaning, by considering the express and implied purpose of the statute, and by employing basic principles of common sense. . . .[.]’” *Johnson v. State*, 264 Md. App. 230, 238 (2024) (quoting *Goff v. State*, 387 Md. 327, 344 (2005)). The term “harass” is one “commonly understood by ordinary people[,]” meaning “to annoy persistently[,]” and requires no further clarification or instruction at trial. *Galloway v. State*, 365 Md. 599, 628 (2001) (internal citations and quotation marks omitted).

At trial, the State requested that the court instruct the jury on harassment by providing the definition of “harassment” set forth in CL § 3-803.<sup>4</sup> Defense counsel requested that the court provide the definition of “course of conduct” set forth in CL § 3-801. The court then instructed the jury as follows:

The defendant is charged with the crime of failing to comply with a peace order. A peace order is a court order which

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<sup>4</sup> As the circuit court and the parties noted at trial, there is no pattern jury instruction for failure to comply with a peace order.

prohibits a defendant from committing certain acts. In this case ordering the defendant to refrain from committing or threatening -- to threaten to commit any of the following acts against Robert A. Griffin Jr.

An act which causes serious bodily harm, an act that places the petitioner or the person for whom protection is sought in fear of imminent serious bodily harm, assault, false imprisonment, harassment, stalking, trespass, malicious destruction of property, misuse of telephone facilities and equipment, misuse of electronic communication or interactive computer service, revenge porn, or visual surveillance.

In order to find the defendant guilty, the State must prove that a peace order was issued by the court and that the defendant was served with the order, and after being served, the defendant violated a condition specified within the order.

A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys another with the intent to harass, alarm, or annoy the other after receiving a reasonable warning or request to stop or on behalf of the other, and without a legal purpose.

This does not apply to a . . . peaceable activity intended to express a political view or provide information to others.

Course of conduct means a persistent pattern of conduct composed of a series of acts over time that shows a continuity of purpose.

The trial court’s decision to include the statutory definitions of “harassment” and “course of conduct” found in CL §§ 3-801, 3-803, respectively, in the jury instructions was unnecessary. *See Galloway*, 365 Md. at 627, 628. These instructions, however, did not alter the nature of the offense or the State’s burden to establish that Mr. Helms’ actions constituted a violation of the peace order. *See Perry v. State*, 150 Md. App. 403, 426-27 (2002) (noting that overly inclusive and unnecessary jury instructions frequently

“run[] the risk of boredom[,]” not the risk of error); *but c.f. Brogden v. State*, 384 Md. 631, 645 n.6 (2005) (recognizing that unnecessary jury instructions may constitute reversible error when they “place a burden of proof on a defendant to prove a defense that the defendant never raised”).<sup>5</sup>

We turn to the evidence presented to prove that Mr. Helms failed to comply with the peace order by harassing Mr. Griffin, Jr. A reasonable factfinder could determine that after receiving notice of the peace order, Mr. Helms’ call to the police in the middle of the night to investigate his false accusation that Mr. Griffin, Jr. had attempted to break into his car and slash his tires constituted a furtherance of Mr. Helms’ efforts to terrorize, alarm, and annoy the Griffins. A reasonable factfinder could also conclude that Mr. Helms had for many years “maliciously engage[d] in a course of conduct” to harass and annoy the Griffins, despite numerous peace orders directing him to cease his harassment of them. *See* CL § 3-803(a); *Streater v. State*, 352 Md. 800, 813 (1999) (“[T]he mere fact that [the appellant] continued to contact [the victim] after the protective order was obtained may help to establish the ‘course of conduct’ relevant to the harassment and

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<sup>5</sup> We note that, even if the State was required to present evidence supporting each element of criminal harassment to establish a violation of the peace order, the evidence was sufficient to establish that Mr. Helms engaged in a “course of conduct” constituting harassment. This Court has explained that there is no minimum number of contacts required to sustain a stalking or harassment conviction. *Schiff v. State*, 254 Md. App. 509, 536 (2022) (“We decline to read into the statutes a minimum number of contacts necessary to sustain a stalking or harassment conviction when the legislature has not chosen to do so and when we can find no precedent for doing so.”); *see also Johnson v. State*, 228 Md. App. 27, 49-50 (2016) (holding that appellant’s ten counts of violating a protective order were not subject to merger, noting that “each violation of the protective order corresponded to each email sent by [the] appellant to [the victim]”).

stalking charges.”). Accordingly, viewed in the light most favorable to the State, we are persuaded that the evidence was sufficient to sustain Mr. Helms’ conviction for failing to comply with a peace order.

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