Circuit Court for Frederick County
Case No. C-10-CR-23-000074

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 2416

September Term, 2024

RUBEN T. WILLIAMS

v.

STATE OF MARYLAND

Arthur,
Shaw,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 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 Frederick County of first degree murder and first degree assault, Ruben T. Williams, appellant, presents for our review a single issue: whether the court "abused its discretion when it overruled [Mr.] Williams'[s] objection to the State presenting evidence of jail call communications." For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State produced evidence that the victim, Mary Seward, died of a stab wound to her chest. The State called Erin Davis, who testified, pursuant to a plea agreement, that she is Mr. Williams's girlfriend. On December 31, 2022, Ms. Davis drove Mr. Williams, a man named Jack, and women named "Feet" and Nina to Linden Avenue to buy drugs from a woman named Mary. Mary "walked over" to Ms. Davis's vehicle, where Mary "was given . . . money" and "Feet was given . . . drugs." After "Mary went back to her car," Feet stated that "it didn't look like the right amount for what was paid." Ms. Davis approached Mary and "basically said . . . she's not happy with this, can we just get the money back?" Mary replied: "[N]o refunds." Ms. Davis returned to her vehicle and asked Mr. Williams "if he wanted to talk to her." Ms. Davis, Mr. Williams, and Feet approached Mary's car, where Mr. Williams stated: "[W]e're going to need the money back." Ms. Davis "turned around and returned to the car," and "shortly after," Mr. Williams and Feet returned as well.

The State also called Austin Abrams, who testified that on December 31, 2022, he and Ms. Seward left their residence in the "blue truck" of a man named Tim. Mr. Abrams fell asleep, and when he awoke, "two women were talking to" Ms. Seward. After the women "walked away from the car," a man approached Ms. Seward. When the prosecutor

showed Mr. Abrams a photo of Mr. Williams, Mr. Abrams testified that the photo depicted the man "[t]hat came up to the car and was arguing with" Ms. Seward. Mr. Abrams also identified Mr. Williams in court. Mr. Abrams testified that Ms. Seward and Mr. Williams "started having a heated conversation," and Ms. Seward stated "that she wasn't giving any money back or . . . that there wasn't refunds." Mr. Williams stated to Ms. Seward, "[y]ou're giving me my money back," and, "I'm going to give you to the count of three to give me my money back." Mr. Abrams testified that "[b]y this time," Mr. Williams "had a knife." Mr. Williams "started his count down," then "stabbed [Ms. Seward] in the chest." Mr. Williams then departed.

Mr. Williams contends that the court "abused its discretion when it overruled [his] objection to the State presenting evidence of jail call communications between" him and Ms. Davis. Prior to trial, the State filed a motion *in limine* in which it asked the court "to make a pretrial ruling on the admissibility of statements made by [Mr. Williams] on specific jail calls." Specifically, the State sought "to admit three calls made by [Mr. Williams] to [Ms.] Davis on May 23, 2024, and short statements contained in three other calls made on May 26, 2024, September 17, 2024, and September 25, 2024, respectively." On November 14, 2024, the court issued an order in which it noted that no opposition to the motion had been filed and no hearing on the motion had been requested, and granted the motion.

On November 18, 2024, the parties appeared for trial. The prosecutor stated: "Defense counsel, in an email to the State and the law clerk for Your Honor, stated that he

had requested at some point he thinks that the Court should listen to the jail calls to determine which statements would be appropriate to enter." Defense counsel stated:

> So there's jail calls – there's multiple jail calls, and I linked them. Some of them are, like, 30 minutes, some are, like, 22 minutes.
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> * * *
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> The State has decided to redact those down to certain portions, in total of 14 minutes altogether, for all.
>
> My issue is the vulgar language that are in some of these jail calls. The vulgar language that are in some of these jail calls and the name-calling I believe are so inflammatory that it could be something highly prejudicial, where the probative value is essentially outweighed. I understand that the probative value of some of these jail calls, like when they're talking about coming to court, are relevant or when they talk about don't come to court or any threats like that. But there's language when he says the B word, slut, eff you, B word. You're a slut. You're a this. And some of the context of that, I think, should not come in because of the vulgarness of it.
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> So within those 14 minutes, that is some of that. And I think this Court should, during the break or whatever, maybe tomorrow if the witness doesn't testify until Wednesday, as the State said, it's like 14 minutes, just to determine which one is admissible.

On the third day of trial, the court indicated to the parties that it had listened to the calls. Defense counsel argued, in pertinent part: " . . . I'm just afraid that if they hear those cuss words that he's – the name-calling. That's pretty much my thing is the name calling." Following argument, the court stated:

> While the name-calling is certainly, you know, not nice, it's not anything beyond what I think normal people have heard numerous times. The question is, does that unduly prejudice the defendant in a substantial way? The Court finds that it does not, and in the context of the jail call, the entire context of it is admissible and necessary and does not substantially outweigh.
>
> * * *

So it's going to be admitted.

The State subsequently played for the jury a recording of the calls. The portion of the recording cited in Mr. Williams's brief reads as follows:

> MR. WILLIAMS: I'm not your bae. First of all you're talking about it, about you didn't want to leave your fucking feel buddy on the tear. You left me in this whole shit alone by my motherfucking self, and said, fuck me. Period. So –
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> MS. DAVIS: I did not.
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> MR. WILLIAMS: What? You phony as shit.
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> MS. DAVIS: No, I'm not.
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> MR. WILLIAMS: What the fuck? You are phony, Shorty. And you're playing a dangerous motherfucking gamble in the house.
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> * * *
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> MR. WILLIAMS: Nothing is going to be ok, Shorty. You sat there and took like a bullshit that fucking phony-ass fucking lawyer you had told you. I told your bitch-ass not to. Told me he's not your fucking friend, bitch. Now you don't have no fucking future with me. What you thinking? You should have been thinking. You should have been listening to my fucking instructions not to do this shit. Like, I ain't know. Tell that to the motherfucker, Good Lord Jesus. Tell it to the maker when you meet his motherfucking ass, for playing for real then. Stupid ass bitch. Like everybody said a fucking joke. I don't know if I should have came now. Bunch a rat-ass fucking wild-bitch ass motherfuckers, lying on me, putting me in shit, and you going to fucking take the motherfucking jump? You like knowing when, bruh?
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> * * *
>
> MR. WILLIAMS: You know what gives me hope? But circumstances were preventing, you know, things, but I could and you, you told me, let that shit go in one ear and out the other and didn't even attempt to – without helping me. You didn't even – know what I'm saying? I'm trying to get you to realize, like, at this point, like you really got to consider, like, damage control. I'm just saying that, you know, I already told you. And

now, if you don't take heed to do what I'm saying, and you try to do your own impression of trying to do something for me, you know.

MS. DAVIS: What is that?

MR. WILLIAMS: My shit. Don't do it.

MS. DAVIS: I got it.

MR. WILLIAMS: Know what I'm saying. Like, motherfucking, like protect them, protect the babies. I'm going up (unintelligible). You know what I'm saying?

Mr. Williams contends that "[w]hile . . . certain parts of the jail calls could be construed as evidence of consciousness of guilt, the perceived threats within the calls, in conjunction with the foul and abusive language, rendered this evidence substantially more prejudicial than probative," and hence, the court abused its discretion in admitting the entirety of the recording. The State counters that "Mr. Williams's failure to oppose the State's pre-trial motion to admit the . . . calls forfeited plenary appellate review." Alternatively, the State contends that "the probative value of the redacted jail calls was not substantially outweighed by the danger of unfair prejudice."

With respect to "the perceived threats within the calls," we agree with the State that Mr. Williams's contention is not preserved for our review. At trial, defense counsel recognized "the probative value of some of" Mr. Williams's statements during the calls, such as "when [he was] talking about coming to court . . . or . . . . don't come to court or any threats like that." Defense counsel explicitly limited his objection to the "cuss words" spoken and "name calling" made by Mr. Williams during the calls, and hence, his challenge to the "perceived threats" is not before us.

With respect to the "foul and abusive language," however, we conclude that Mr. Williams's contention is preserved for our review. It is true that Rule 4-252(d)(3) states that "[a]ny . . . defense, objection, or request capable of determination before trial without trial of the general issue, shall be raised by motion filed at any time before trial." But, the Rule does not prohibit a defendant who fails to oppose a motion by the State *in limine* from requesting, during trial, redaction of the subject of the motion. Hence, this portion of Mr. Williams's contention is preserved for our review.

Nevertheless, we reject the contention. Mr. Williams does not cite any authority in which a court has been found to have abused its discretion by failing to redact "foul and abusive language" by a defendant from a statement subsequently admitted at trial. Also, Mr. Williams's statements that Ms. Davis was "phony," "playing a dangerous . . . gamble," a "rat," a liar, and not "consider[ing] damage control" may be construed as threats to Ms. Davis or attempts to induce her to refuse to testify, and the Supreme Court of Maryland has long recognized that "[e]vidence of threats to a witness, or attempts to induce a witness not to testify or to testify falsely, is generally admissible as substantive evidence of guilt[.]" *Washington v. State*, 293 Md. 465, 468 n.1 (1982) (citations omitted). Hence, the court did not abuse its discretion in admitting the entirety of the recording of the jail calls.

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