

Circuit Court for Howard County
Case No. C-13-CR-24-000022

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2433

September Term, 2024

RAHE LIFE WARD

v.

STATE OF MARYLAND

Wells, C.J.,
Friedman,
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Hotten, J.

Filed: May 21, 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 its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This appeal arises from Rahe Life Ward’s (“Appellant’s”) convictions for stalking, harassment, electronic communication harassment, and distributing intimate/sexual images without consent. After Appellant entered into a relationship with Kianna Kelly (“Ms. Kelly”), she became the victim of anonymous instances of harassment and stalking. Police eventually traced the activity back to Appellant. Evidence of Appellant’s culpability introduced at trial was supported by the timeline of the offenses, his access to Ms. Kelly’s phone, digital forensics linking the unauthorized access of Ms. Kelly’s accounts from Appellant’s workplace, the discovery of a photo in his iCloud account matching a photo sent by the alleged harasser, and his possession of multiple phones and a tracking device. Appellant filed this appeal challenging the sufficiency of the evidence.

QUESTIONS PRESENTED

Appellant presents one question for our review, which we have rephrased for the sake of clarity¹ as follows:

1. Whether the evidence is sufficient to sustain the stalking conviction.
2. Whether the evidence is sufficient to sustain the harassment and electronic communication harassment convictions.
3. Whether the evidence is sufficient to sustain the distributing intimate/sexual images without consent conviction.

For the reasons outlined below, we affirm the judgment of the circuit court.

¹ Rephrased from: Whether the evidence is sufficient to sustain the convictions.

BACKGROUND

Appellant and Ms. Kelly met in 2020 during their employment with a TGI Fridays restaurant in Columbia, Maryland. A romantic relationship ensued in late 2020, during which they lived together “on and off” at “different places.”

Ms. Kelly testified that her life was not “unusual” prior to meeting Appellant, but once their relationship began, she became the target of persistent instances of anonymous harassment. The harassment primarily consisted of hundreds of phone calls and text messages originating from various numbers. Similar text messages were sent to nearly anyone with whom Ms. Kelly maintained a personal or professional relationship with, including her mother, brother, co-workers, and Appellant himself.

Beyond phone calls and text messages, the anonymous harasser engaged in a campaign of stalking. To demonstrate they “knew where [she] was,” the harasser would send photographs of Ms. Kelly’s real-time locations and order food deliveries to her current whereabouts. The harasser also made physical threats, such as spray-painting a threatening message on her family’s residence.²

Moreover, the harassment extended to Ms. Kelly’s social media presence, where the harasser gained unauthorized access to her social media accounts and distributed intimate

² Ms. Kelly explained:

“[M]y grandmother’s car, her car was completely ruined. The gas was filled up with something to where it was destroyed. My mom’s house was spraypainted with RIP, my name, and a date on it. Along with the neighborhood in my grandma’s—in my grandma’s neighborhood there was spray paintings as well for RIP and death dates for my name. And a neighbor’s house had a brick thrown through the window as well.”

photos without her consent. In one post, Ms. Kelly’s buttocks were superimposed with an icon of her face, a link to a Snapchat account, and the caption “come shop.” Another post contained a photo of Ms. Kelly’s buttocks, accompanied by her name, profile picture, and the caption, “just gonna start an onlyfans.”

As a result of the harassment and stalking, Ms. Kelly lost her employment with TGI Fridays and suffered a severe emotional decline. To cope with the trauma, Ms. Kelly developed a dependency on alcohol, eventually leading to her admission to a rehabilitation program in January 2023. While Ms. Kelly was “supposed to be there for 30 days,” she stayed an additional two weeks, in part, because it was a place where she “felt safe.”

Ms. Kelly and her family took significant measures to address the harassment and stalking, ultimately contacting the police more than a dozen times in different counties and installing security cameras at their respective residences. Moreover, Ms. Kelly constantly moved around, staying at emergency shelters and hotels to evade the harasser. Notably, she stayed in hotels over a hundred times because she believed the security and anonymity of hotel rooms afforded more safety.

Throughout this period, Ms. Kelly and Appellant remained “really close.” Appellant appeared to be aware of her constant moving and stayed with her “a majority of the time.” Ms. Kelly testified that she “only felt safe being with [Appellant]” and viewed him as her protector. Since Appellant also appeared to be receiving harassing messages, Ms. Kelly believed they were victims of the same perpetrator—whom she initially identified to police as her ex-boyfriend, Antoine Matthews. During the relationship, Appellant had full access to Ms. Kelly’s phone, her passcode, and her family members’ contact information. When

Ms. Kelly changed her phone number, she provided the new number to Appellant. During intervals when Appellant did not have access to a cellular phone, the harassing messages and location-based photographs ceased.

By August 9, 2023, Ms. Kelly decided to distance herself from Appellant and terminate their communication.³ She subsequently blocked his number and obtained a new phone, though she kept her old device to preserve evidence.

Coinciding with this breakup, an Amazon package was delivered to the Columbia TGI Fridays. The General Manager, Kenneth Morris (“Mr. Morris”), observed that the package contained a “Tracki Real-Time Global GPS Tracker.” After one of Appellant’s friends inquired about the package, Mr. Morris moved the package to the restaurant’s safe, fearing Appellant’s friend intended to dispose of it. Given Appellant’s history of using the restaurant as a personal residence during bouts of homelessness, Mr. Morris grew

³ Ms. Kelly testified to the following circumstances and reasoning for the breakup:

[THE STATE]: Did there come a time where you decided that you didn’t want to continue that relationship?

[MS. KELLY]: Yeah, we stopped all communications. I didn’t want to talk to him anymore on August 9th of 2023.

[THE STATE]: And prior to August 9th of 2023 and leading up to that date, what was going on in your relationship with him during that time?

[MS. KELLY]: It was just apparent to me that with me going to rehab and making a lot of lifestyle changes that he didn’t, to put it more frankly. And so I was spending less time around him and kind of keeping some distance there because I didn’t think it was the best for us to continue to be in communication with each other.

suspicious that the package belonged to Appellant. Moreover, during this time, Mr. Morris noticed Appellant sitting in a bar booth “watching Maps” on a mobile device and possessing “three or four” cellphones at a time.

Shortly thereafter, Ms. Kelly began to fear that her vehicle was being tracked. On September 3, 2023, she received the following messages on her old phone while in a Walmart parking lot:

“come meet me at fridays”

“or ima pull up on ya”

“im 2 mins from Walmart”

Panicked, she drove to a Shell gas station where she received the following additional messages:

“how I’m spose to keep up if u don’t slow down”

“wrong way to fridays”

“u ain’t lose me I just slowed down [clown emoji]”

The following day, she received a photograph of the street in front of her mother’s house with the text, “wya cause u not here.” Subsequent messages while she was at Lowe’s—stating “Shopping trip?” and “Back 2 mommas house we go”—confirmed her suspicion that her vehicle was being tracked.

After these incidents, Ms. Kelly parked her vehicle overnight in a parking lot under surveillance cameras and placed a “LEAVE ME ALONE!!!!!!” note on the window. The parking lot surveillance footage showed an individual approach her vehicle and reach

underneath the passenger side. In a separate video taken by Ms. Kelly on September 5, a “Tracki” tracking device can be seen attached to her vehicle’s undercarriage.

The persistent cycle of harassment and stalking finally reached a turning point when law enforcement successfully traced the harasser’s digital trail back to a specific location. On September 21, 2023, Ms. Kelly reported that her Facebook account had been hacked and intimate photographs of herself were posted. A search warrant revealed that the last login for her Facebook account occurred at the Columbia TGI Fridays on September 22 at a time when Appellant was scheduled to work. Upon further investigation, a separate search of Appellant’s iCloud account yielded a photograph that the anonymous harasser had previously sent to Ms. Kelly. Appellant was subsequently arrested on December 7, 2023, and charged with stalking, harassment, electronic communication harassment, and distributing intimate/sexual images without consent.

Trial proceeded on January 21-23, 2025, in the Circuit Court for Howard County. The State presented circumstantial evidence that Appellant possessed the opportunity and modus operandi to harass Ms. Kelly. For instance, the State highlighted how the stalking was chronologically tethered to Appellant, beginning with the relationship and persisting even after Ms. Kelly ended it on August 9, 2023. Testimony established Appellant’s technical proficiency and preparation, including his possession of multiple phones and the purchase of a “Tracki” GPS device. The State further linked Appellant to the hacking by tracing unauthorized logins to his specific place of employment during documented work hours. This evidence was punctuated by the discovery of an identical harassing photo in

Appellant's possession and a physical tracking device on the undercarriage of the victim's vehicle.

Appellant presented evidence of an unidentified man observed at the residence of Ms. Kelly's mother and vehicle tag records for a woman, Desiree Nicholson, who was observed circling Ms. Kelly's block at 2:00 a.m., yet emphasized that police failed to question the individual. Further testimony from Appellant's mother and brother revealed that they also received harassing messages, including a text falsely claiming Appellant was dead at a local hospital. Regarding Appellant's character and opportunity, the defense highlighted testimony regarding his trusting relationship with Ms. Kelly, noting how Appellant was physically present with Ms. Kelly as her "protector" throughout the harassment period. Finally, the defense introduced Appellant's actual text messages into evidence to show a consistent use of proper capitalization, punctuation, and complete sentences, contrasting this with the harasser's messages, which were characterized by informal shorthand and a total lack of grammar or punctuation.

At the conclusion of the State's case, the defense moved for a judgment of acquittal on all counts. The court denied the motion without comment, and further denied a renewed motion made at the close of all evidence.

On January 23, 2025, Appellant was convicted of all four counts of stalking, harassment, electronic communication harassment, and distributing intimate/sexual images without consent. He was sentenced to a cumulative sentence of ten years with all but seven years suspended, and five years of supervised probation upon release. On February 19, 2025, Appellant timely noted this appeal.

STANDARD OF REVIEW

When reviewing the sufficiency of the evidence to support a criminal conviction, this Court must determine whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Burlas v. State*, 185 Md. App. 559, 568–69 (2009) (citing *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). The primary focus is not the weight of the evidence, but whether the record contains sufficient direct or circumstantial evidence to support a conviction. *See id.* This Court must defer to the fact-finder’s reasonable inferences, regardless of whether we would have decided differently. *See id.* (citing *State v. Suddith*, 379 Md. 425, 430 (2004)). At the same time, this Court performs an independent review of the overall legal sufficiency, owing no deference to the circuit court’s determination. *See id.* (citing *Polk v. State*, 183 Md. App. 299, 306 (2008)).

DISCUSSION

I. The Evidence Was Sufficient to Convict Appellant of Stalking.

A. The Parties’ Arguments

Appellant contends that no rational trier of fact could find him guilty of stalking because the State’s case relied on a “patchwork of conflicting evidence.” He argues the State failed to prove he sent the harassing messages since he was also a recipient of the messages and Ms. Kelly believed the stalker was Antoine Matthews. He distinguishes the case at bar to *Donati v. State*, 215 Md. App. 686 (2014)—where there was direct forensic evidence linking the defendant to the harassment—to argue the foregoing circumstantial evidence was insufficient to convict him. Appellant also alleges the Facebook records lack

the location data necessary to support the detective’s testimony regarding the login location for Ms. Kelly’s account; his T-Mobile account records nor his iCloud records “showed any connection to [the harassing] messages[;]” and that “[n]o evidence suggested that [Appellant] knew how to generate ‘hundreds’ of spoof phone numbers from a cell phone.” Similarly, he argues there was insufficient evidence connecting him to the tracking device found on Ms. Kelly’s vehicle because the police never seized it and the footage depicting an individual tampering with the vehicle did not “show any identifiable features. . . .”

The State maintains the evidence was sufficient to convict Appellant of stalking because the jury was permitted to make reasonable inferences. For instance, the State argues “[t]he jury could infer from the evidence that [Appellant] placed the [tracking device]” and sent her “numerous text messages” because it coincided with the time their relationship ended. Likewise, the State highlights how the harassing messages “were only sent after Ms. Kelly met [Appellant].” The State also argues the jury could reasonably infer Appellant placed the tracking device under Ms. Kelly’s vehicle because he received a tracking device in the mail.

B. Analysis

The evidence was sufficient to convict Appellant of stalking under Md. Code Ann., Crim. Law § 3-802. *See id.* § 3-802(a)(1)-(2)(iii) (defining stalking as a malicious course of conduct that includes approaching or pursuing another. . . .”). A conviction does not require direct evidence. *See Burlas*, 185 Md. App. at 569. In this case, the record contains sufficient circumstantial evidence to support Appellant’s stalking conviction.

During the parties’ relationship, Appellant maintained near-constant access to Ms. Kelly and her phone. Ms. Kelly testified that the harassing messages and location-based surveillance photos ceased entirely during periods when Appellant lacked a cell phone, creating a temporal nexus between Appellant and the harassment. Witness testimony further established Appellant’s preoccupation with digital surveillance, noting his habit of “watching Maps” and his possession of multiple mobile devices. This preoccupation was also mirrored by his possession of physical surveillance evidence; after a “Tracki” brand GPS unit was delivered to Appellant’s place of employment, a device of the same brand was discovered attached to the undercarriage of Ms. Kelly’s vehicle. Digital forensics further linked Appellant to the harassment when an unauthorized login to Ms. Kelly’s Facebook account was traced to an IP address at the specific TGI Fridays where Appellant was clocked in and working.⁴ Finally, a search of Appellant’s iCloud account recovered the exact harassing photo previously sent to Ms. Kelly by the anonymous harasser. Taken together, this evidence transcends mere coincidence and provides a sufficient basis for a rational trier of fact to identify Appellant as the perpetrator. The record establishes more than just opportunity; it reveals a modus operandi characterized by the use of numerous mobile devices and specific GPS hardware. As such, under the totality of the

⁴ While Appellant contends the record lacks the location data necessary to support the detective’s testimony regarding the login’s origin, the record directly contradicts this claim—the record shows the search warrant returned a series of IP addresses corresponding to the specific timestamps of the activity in question.

circumstances, we hold the evidence was sufficient to support Appellant’s stalking conviction.

II. The Evidence Was Sufficient to Convict Appellant of Harassment and Electronic Harassment.

A. The Parties’ Arguments

Appellant further contends that no rational trier of fact could find him guilty of the harassment and electronic mail misuse convictions. He reasons under Md. Code Ann., Crim. L. § 3-803(a), the victim must give a reasonable warning for the harassment to be actionable. Here, however, he argues the State did not present any evidence that (1) the person tampering with the bottom of Ms. Kelly’s car saw the “leave me alone” note that she placed on the driver’s side window; or (2) that Ms. Kelly responded to any anonymous text messages asking the sender to stop.

In response to Appellant’s reasonable warning challenge, the State cites *Schiff v. State*, 254 Md. App. 509, 540 (2022) for the proposition that a warning could be proved inferentially. Here, the State argues Appellant received a reasonable warning because Ms. Kelly blocked him after their breakup, filed multiple police reports, changed her number frequently, stayed at hotels over 100 times, and left a “LEAVE ME ALONE!!!!!!” note on her vehicle.

B. Analysis

The evidence was sufficient to convict Appellant of harassment and electronic harassment because a reasonable warning may be established through indirect means.

To satisfy the statutory elements of both harassment and electronic harassment, it must be shown that the harasser was given a “reasonable warning” to stop. Specifically, to

be guilty of harassment, the defendant must have: “(1) followed another person in or about a public place; (2) without a legal purpose; (3) with intent to harass, alarm, or annoy the other person; and (4) *after a reasonable warning or request to desist by or on behalf of the other person.*” *Pall v. State*, 117 Md. App. 242, 248 (1997) (emphasis in original); Md. Code Ann., Crim. Law § 3-803(b). To be guilty of electronic harassment, the defendant must have: (1) “maliciously engage[d] in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another[;]” (2) “without a legal purpose[;]” (3) “with the intent to harass, alarm, or annoy the other[;]” (4) “*after receiving a reasonable warning or request to stop by or on behalf of the other[.]*” Md. Code Ann., Crim. Law § 3-805(b)(1) (emphasis added).

“A reasonable warning is one in which the defendant knows or has reason to know that his conduct is unwanted and is warned to stop.” *Pall*, 117 Md. App. at 242. In *Schiff v. State*, 274 A.3d 507, 521, 540 (2022), this Court affirmed the finding that a defendant’s awareness of a pending Peace Order serves as a reasonable warning to cease communication, regardless of whether the victim has issued an explicit personal request to stop. This holding aligns with the legislature’s awareness that “it is not always possible or feasible in [a] stalking situation for the victim to provide a reasonable warning or request to ‘desist[.]’” *See Hackley v. State*, 389 Md. 387, 396 (2005) (quotation omitted).

Under the logic of *Schiff*, a victim is not required to directly confront a harasser to satisfy the reasonable warning requirement. Here, the evidence is sufficient to satisfy the reasonable warning requirement under theories of both actual and constructive notice. Even if Appellant did not see the “LEAVE ME ALONE!!!!!!” note, the totality of the evidence

demonstrates Appellant received actual notice of a reasonable warning to stop. Evidence of Ms. Kelly’s frequent moving and repeated changes to her phone number provided Appellant with notice that the harassment was unwelcome. Furthermore, the filing of over a dozen police reports served as a formal documentation of her desire for the conduct to cease. Given Appellant’s close relationship to Ms. Kelly during this period, a rational trier of fact could conclude that he had actual notice that Ms. Kelly wanted the harasser to stop. Alternatively, even if Appellant did not personally interpret Ms. Kelly’s actions as a warning to stop, these same circumstances provided constructive notice, since a reasonable person in Appellant’s position would have known that such conduct was unwelcome. Accordingly, we hold the evidence was sufficient to support the convictions for harassment and electronic harassment.

III. The Evidence Was Sufficient to Convict Appellant of Distributing Intimate/Sexual Images Without Consent.

A. The Parties’ Arguments

Finally, Appellant argues the evidence was insufficient to sustain his “revenge porn” conviction because the pictures did “not prove that [Ms. Kelly] is the person in the photographs beyond a reasonable doubt.” He argues this is critical because “revenge porn” is only actionable when the media “identifiably display[s]” the victim. Here, he argues there was no identifiable features connecting the explicit pictures posted to Ms. Kelly’s account to her.

The State argues that under the plain meaning of the phrase “identifiable person,” a conviction for distributing intimate/sexual images without consent merely requires the

victim to be “a person whose identity can be ascertained.” Here, the State maintains that the choice to upload these photos to Ms. Kelly’s personal social media accounts is enough to suggest the photos are of her. In any regard, the State highlights that Ms. Kelly testified the intimate photos were of her.

B. Analysis

The evidence was sufficient to convict Appellant of distributing intimate/sexual images without consent because the statutory requirement that a person be “identifiable” is not contingent upon the inclusion of specific facial or bodily features. In this instance, the social media account where the photos were posted sufficiently identified Ms. Kelly as the victim.

The nonconsensual distribution of “a *visual representation of another identifiable person* that displays the other person with intimate parts exposed or while engaged in an act of sexual activity[,]” is prohibited under Md. Code Ann., Crim. Law § 3-809(c) (emphasis added). While § 3-809 requires the subject to be identifiable, it does not mandate that the “visual representation” include specific facial or bodily features. *See id.* Because the legislature did not define what it means for a person to be “identifiable,” we turn to the plain definition of the word. *See Moore v. State*, 424 Md. 118, 129 (2011) (“When conducting a plain meaning analysis, we have observed that dictionary definitions ‘provide a useful starting point for discerning what the legislature could have meant in using a particular term.’”). Under its plain meaning, “identifiable” is defined as “capable of being identified.” *Identifiable*, Merriam-Webster.com, <https://www.merriam->

webster.com/dictionary/identifiable (last visited Apr. 7, 2026). We find that such a broad definition suggests identification can be made through contextual circumstances.

In this case, the context of the intimate photos is dispositive. Since content posted on a personal profile account is ordinarily attributed to the individual named on the account, such platforms carry a rebuttable presumption of authenticity. Here, the intimate photos were posted directly to Ms. Kelly’s personal social media accounts. Thus, a rational trier of fact could conclude that an ordinary person, viewing an intimate photo on an individual’s own private timeline, would reasonably identify the subject of the intimate photo as the account owner. In any regard, Appellant ensured the explicit photos would be attributed to Ms. Kelly by intentionally “superimpos[ing] [] a heart-shaped icon of her face” onto one of the images. Furthermore, Ms. Kelly’s own testimony corroborated the identity of the subject. Since the evidence demonstrated that the subject’s identity was both ascertainable and confirmed, it was sufficient to support Appellant’s conviction for the nonconsensual distribution of a private visual representation.

CONCLUSION

For the foregoing reasons, we affirm the judgment of the Circuit Court for Howard County.

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