

COURT OF APPEALS OF MARYLAND

Carter v. State, 366 Md. 574

785 A.2d 348 (2001) · No. No. 141, Sept. Term, 2000 · Decided November 21, 2001

SUMMARY

The Court of Appeals of Maryland considered whether the trial court erred by giving curative instructions over the defendant’s objection and by denying multiple motions for a mistrial. The court held that the trial judge had discretion to give curative instructions, but that the prejudicial effect of improperly admitted other-crimes evidence and related prosecutorial misconduct transcended the instructions’ curative effect. The court therefore reversed the convictions and ordered a new trial.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Raker, J.; Bell, C.J.; Eldridge, J.; Wilner, J.; Cathell, J.; Harrell, J.; Battaglia, J.
JURISDICTION	Maryland
DECIDED	November 21, 2001
DOCKET	No. 141, Sept. Term, 2000
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Carter appealed convictions for first-degree premeditated murder, first-degree felony murder, armed robbery, and related handgun offenses. The Court of Special Appeals affirmed in an unreported opinion. The Court of Appeals granted certiorari and reversed because the cumulative prejudice from improperly admitted prior-bad-acts evidence and inadequate curative instructions required a mistrial and new trial.
STANDARD OF REVIEW	A trial court's decision whether to grant a mistrial is reviewed for abuse of discretion. The appellate court evaluates whether the prejudice from inadmissible evidence transcended the curative effect of the instruction and whether the error was harmless beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Appeals of Maryland.
PARTIES	Terry Louis Carter v. State of Maryland

TOPICS

evidence

criminal procedure

harmless error

standard of review

appellate procedure

PRACTICE AREAS

Criminal law

Evidence

Criminal procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court had discretion to give curative or limiting instructions over Carter's objection after inadmissible and prejudicial prior-bad-acts evidence was presented to the jury.
2. Whether the trial court abused its discretion by denying Carter's motions for mistrial based on the cumulative prejudice from the inadmissible evidence and the prosecutor's improper closing argument.

HOLDINGS

1. When inadmissible evidence has been presented to the jury, the decision whether to give a cautionary or limiting instruction lies within the trial court's discretion; the defendant has no absolute right to veto or reject the instruction.
2. The trial court abused its discretion by denying a mistrial because the cumulative prejudice from repeated inadmissible prior-bad-acts evidence and an improper closing argument transcended the curative effect of the instructions. The error was not harmless beyond a reasonable doubt, and Carter was entitled to a new trial.

KEY QUOTATIONS

"Accordingly, we hold that when the court finds that inadmissible evidence has been presented to the jury, it is within the discretion of the trial court to decide whether a cautionary or limiting instruction should be given." (366 Md. 588; 785 A.2d 357)

"The purported curative instruction was inadequate to cure the prejudice." (366 Md. 591; 785 A.2d 361)

"While the mere occurrence of improper remarks does not by itself require a mistrial, in this case, considering the cumulative effect of the inadmissible evidence and the curative instructions actually given, we conclude that prejudicial error occurred, and the trial judge abused his discretion in not granting a mistrial." (366 Md. 591; 785 A.2d 361)

FACTUAL BACKGROUND

Michael Pirner, an assistant manager at a Little Caesar's Pizza restaurant in Waldorf, Maryland, was shot and killed on February 7, 1996, and \$2,460 was taken from the restaurant. Carter, an employee scheduled to close the restaurant with Pirner, was linked to the crime through witness testimony concerning admissions and witness intimidation, circumstantial ballistics and ammunition evidence, inconsistent statements to police, and unexplained possession of money. During trial, witnesses and the prosecutor made several references to inadmissible prior-bad-acts evidence, including a prior arrest, selling crack cocaine, and an incriminating statement not supported by the evidence.

PROCEDURAL HISTORY

Following a jury trial in the Circuit Court for Charles County, Carter was convicted of murder, armed robbery, and related handgun offenses. The Court of Special Appeals affirmed in an unreported opinion. The Court of Appeals granted Carter's petition for certiorari to decide whether the trial court erred in giving curative instructions over defense objection and in denying Carter's motions for mistrial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of the Court of Special Appeals, reverse the judgments of conviction entered by the Circuit Court for Charles County, and remand to the circuit court for a new trial.

CASES CITED

- Carter v. State, 363 Md. 205, 768 A.2d 54 (2001)
- Terry v. State, 332 Md. 329, 631 A.2d 424 (1993)
- Merzbacher v. State, 346 Md. 391, 697 A.2d 432 (1997)
- Streater v. State, 352 Md. 800, 724 A.2d 111 (1999)
- Hardaway v. State, 317 Md. 160, 562 A.2d 1234 (1989)
- Lakeside v. Oregon, 435 U.S. 333, 98 S. Ct. 1091, 55 L. Ed. 2d 319 (1978)
- Carter v. Kentucky, 450 U.S. 288, 101 S. Ct. 1112, 67 L. Ed. 2d 241 (1981)
- Griffin v. California, 380 U.S. 609, 85 S. Ct. 1229, 14 L. Ed. 2d 106 (1965)
- Wade v. Hunter, 336 U.S. 684, 69 S. Ct. 834, 93 L. Ed. 974 (1949)
- Chambers v. State, 337 Md. 44, 650 A.2d 727 (1994)
- Commonwealth v. Moore, 534 Pa. 527, 633 A.2d 1119 (1994)
- Klauenberg v. State, 355 Md. 528, 735 A.2d 1061 (1999)
- State v. Hawkins, 326 Md. 270, 604 A.2d 489 (1992)
- Hunt v. State, 321 Md. 387, 583 A.2d 218 (1990)
- Rainville v. State, 328 Md. 398, 614 A.2d 949 (1992)
- Kosmas v. State, 316 Md. 587, 560 A.2d 1137 (1989)
- Guesfeird v. State, 300 Md. 653, 480 A.2d 800 (1984)
- Dorsey v. State, 276 Md. 638, 350 A.2d 665 (1976)
- Veney v. State, 251 Md. 182, 246 A.2d 568 (1968)
- Bruton v. United States, 391 U.S. 123, 88 S. Ct. 1620, 20 L. Ed. 2d 476 (1968)
- Patterson v. State, 356 Md. 677, 741 A.2d 1119 (1999)
- Binnie v. State, 321 Md. 572, 583 A.2d 1037 (1991)
- Sims v. State, 319 Md. 540, 573 A.2d 1317 (1990)

- Hardison v. State, 226 Md. 53, 172 A.2d 407 (1961)
- Ware v. State, 348 Md. 19, 702 A.2d 699 (1997)
- Gunning v. State, 347 Md. 332, 701 A.2d 374 (1997)
- Dean v. State, 325 Md. 230, 600 A.2d 409 (1992)
- Alholm v. Wilt, 394 N.W.2d 488 (Minn. 1986)

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