

COURT OF APPEALS OF MARYLAND

Robinson v. State, 410 Md. 91

976 A.2d 1072 (2009) · No. No. 109, September Term, 2008 · Decided July 28, 2009

SUMMARY

The Maryland Court of Appeals held that Cecil Laroy Robinson failed to preserve his claim that the trial court violated his Sixth Amendment right to a public trial by excluding family members and other spectators from the courtroom. The court declined to review the merits of the courtroom-closure issue because Robinson did not object at trial and the record was insufficiently developed, and it affirmed the convictions.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Barbera, J.; Bell, C.J.; Harrell, J.; Battaglia, J.; Greene, J.; Murphy, J.; Adkins, J.
JURISDICTION	Maryland
DECIDED	July 28, 2009
DOCKET	No. 109, September Term, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a jury convicted Robinson of attempted robbery and related offenses in the Circuit Court for Caroline County, he appealed, arguing that the trial court violated his Sixth Amendment right to a public trial by excluding his family and other spectators from the courtroom. The Court of Appeals of Maryland granted certiorari before consideration by the Court of Special Appeals and affirmed without reaching the merits because Robinson failed to object at trial.
STANDARD OF REVIEW	Issues not raised in or decided by the trial court ordinarily will not be considered on appeal under Maryland Rule 8-131(a). Review of an unpreserved issue is discretionary and ordinarily will be undertaken only when it will not cause unfair prejudice and will promote the orderly administration of justice.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Cecil Laroy Robinson v. State of Maryland

TOPICS

criminal procedure

sixth amendment

preservation of error

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

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constitutional law

QUESTIONS PRESENTED

1. Whether Robinson's challenge to the exclusion of his family and other spectators from the courtroom was preserved for appellate review when defense counsel did not object to the closure order.
2. Whether the constitutional nature and alleged structural-error character of a public-trial violation excused the failure to make a contemporaneous objection.
3. Whether the Court should exercise its discretion under Maryland Rule 8-131(a) or employ plain-error review to consider the unpreserved courtroom-closure claim.

HOLDINGS

1. A defendant must make a timely objection at trial to preserve a claimed violation of the Sixth Amendment right to a public trial for appellate review.
2. The constitutional and structural-error character of an alleged denial of the right to a public trial does not excuse the failure to make a timely objection.
3. The Court would not exercise its discretion under Maryland Rule 8-131(a) or review the issue for plain error.

KEY QUOTATIONS

“Consistent with the vast majority of the courts that have spoken on the subject, we hold that a claimed violation of the right to a public trial must be preserved for appellate review by a timely objection at trial, notwithstanding that the allegation implicates structural error.” (410 Md. 111)

“Moreover, the reasons why we have declined to overlook Appellant’s failure to preserve the issue by contemporaneous objection, including the lack of a fully developed record on the claim, demonstrate why this is not remotely a case that cries out for review under the guise of “plain error.”” (410 Md. 113-14)

FACTUAL BACKGROUND

During voir dire, a prospective juror reported overhearing several people discussing the case in the hallway, potentially including witnesses. After the jury was selected, the prosecutor reported that a member of Robinson's family had allegedly approached a State witness and encouraged the witness to lie. The trial judge questioned Robinson's seventeen-year-old sister and then ordered Robinson's family and at least two other spectators to leave the courtroom, without further proceedings on the record concerning the exclusion.

PROCEDURAL HISTORY

Robinson was tried and convicted in the Circuit Court for Caroline County. He noted a timely appeal to the Court of Special Appeals, and the Court of Appeals granted a writ of certiorari before that court considered the case. The Court of Appeals held that the courtroom-closure claim was unpreserved and declined to exercise discretionary or plain-error review.

DISPOSITION

affirmed

CASES CITED

- Waller v. Georgia, 467 U.S. 39, 104 S. Ct. 2210, 81 L. Ed. 2d 31 (1984)
- Watters v. State, 328 Md. 38, 612 A.2d 1288 (1992)
- Walker v. State, 125 Md. App. 48, 723 A.2d 922 (1999)
- In re Oliver, 333 U.S. 257, 68 S. Ct. 499, 92 L. Ed. 682 (1948)
- State v. Bell, 334 Md. 178, 638 A.2d 107 (1994)
- Jones v. State, 379 Md. 704, 843 A.2d 778 (2004)
- Conyers v. State, 354 Md. 132, 729 A.2d 910 (1999)
- State v. Rose, 345 Md. 238, 691 A.2d 1314 (1997)
- Taylor v. State, 381 Md. 602, 851 A.2d 551 (2004)
- Neder v. United States, 527 U.S. 1, 119 S. Ct. 1827, 144 L. Ed. 2d 35 (1999)
- Levine v. United States, 362 U.S. 610, 80 S. Ct. 1038, 4 L. Ed. 2d 989 (1960)
- Rubin v. State, 325 Md. 552, 602 A.2d 677 (1992)
- Robinson v. State, 406 Md. 443, 959 A.2d 793 (2008)
- Tharp v. State, 362 Md. 77, 763 A.2d 151 (2000)
- Carter v. State, 356 Md. 207, 738 A.2d 871 (1999)
- Stewart v. State, 319 Md. 81, 570 A.2d 1229 (1990)
- Hunt v. State, 345 Md. 122, 691 A.2d 1255 (1997)