

Circuit Court for Baltimore City  
Case No. 823058006

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 541

September Term, 2023

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RICHARD HILL, JR.

v.

STATE OF MARYLAND

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Berger,  
Shaw,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 28, 2024

\*This is a per curiam opinion. Consistent with 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 Baltimore City of second degree assault, Richard Hill, Jr., appellant, presents for our review a single issue, which for clarity we rephrase: whether the court violated Mr. Hill’s right to allocution. For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State called Unique Way, who testified that on December 15, 2022, she was working at the Govans Manor Apartments, when she “heard a commotion” outside her office. Ms. Way went to the lobby of the building, where she saw Mr. Hill “arguing back and forth with” employees of the Baltimore City Fire Department and an ambulance service. When Ms. Way asked Mr. Hill to “go back to [his] apartment or . . . exit the building,” Mr. Hill cursed at Ms. Way, picked a chair up, and “slammed it down.” Ms. Way attempted to exit “through the community room,” but Mr. Hill followed her. As Ms. Way called 911, Mr. Hill stated, “you’re not going to leave this building,” “I’m going to bury you in your vehicle,” and “[f]uck with your family.” When police arrived, Ms. Way “went immediately to North Avenue . . . to get . . . a peace order.” Following the close of the State’s case, Mr. Hill testified that his mother lives in the apartment building, and that on the day of the offense, he was “heated” because his mother’s nose was bleeding.

At sentencing, Mr. Hill appeared with defense counsel, who submitted to the court a report from a social worker and confirmed that “a bed [was] available” at “Tuerk House,” where Mr. Hill could receive “intensive inpatient drug treatment,” mental health treatment, and “medication management.” Defense counsel argued that “Mr. Hill has had a lifelong struggle with . . . mental health issues,” tried “to self-medicate,” and “at no time [has] receive[d] the focused, attentive therapy that someone in his position would need.” The

prosecutor recommended that the court impose a “sentence of ten years, suspending all but six months, followed by three years of probation, during which [Mr. Hill] take part [in] that intensive program offered by Tuerk House.”

The following colloquy subsequently occurred:

THE COURT: All right. Mr. Hill, is there anything you want to say before I impose sentence?

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MR. HILL: I say I’m sorry. I never intend to hurt nobody and I will complete the program.

THE COURT: That day you were thinking about your mother.

MR. HILL: Yes, sir.

THE COURT: But you understand how inappropriate your conduct was?

MR. HILL: Yes, sir.

THE COURT: And do you realize you didn’t in any way make it better for your mother?

MR. HILL: I know. If I could speak on it. I never did nothing that was – I guess I never threatened nobody. I never –

\* \* \*

THE COURT: Okay. We’re not – we’re not here to go over that. The jury answered the question. All right. Very well. This is what I’m going to do; I’m going to try what you’re asking. Hopefully it will work. I’m going to impose a sentence of five years . . . . He’s to get credit for any time he has spent in jail up to this point. And we will suspend the balance of the sentence on the condition that he complete the six month inpatient program at Tuerk House and any outpatient treatment for the balance of this three years of probation. So you’ll be there for six months and then for two and a half years Tuerk House is going to be supervising you.

Mr. Hill contends that “preventing [him] from answering infringed on his allocution right.” Mr. Hill further contends that his “claim is preserved because he tried to answer the court’s questions.” The State counters that Mr. Hill’s “claim . . . is waived because he did not object to the . . . court’s sentencing procedure.” Alternatively, the State contends that the court “soundly exercised its discretion in curtailing [Mr.] Hill’s statement.”

Assuming, without deciding, that Mr. Hill’s contention is preserved for our review, we reject the contention. Rule 4-342(e) states that “[b]efore imposing sentence, the court shall afford the defendant the opportunity, personally and through counsel, to make a statement and to present information in mitigation of punishment.” But, “the court may in its discretion curtail allocution that is irrelevant or unreasonably protracted.” *Harris v. State*, 306 Md. 344, 359 (1986). Here, the court afforded Mr. Hill, personally and through counsel, to make a statement and present information in mitigation of punishment. Defense counsel submitted to the court a report from a social worker, confirmed that in lieu of incarceration, Mr. Hill could be housed in a facility where he could receive intensive inpatient drug treatment, mental health treatment, and medication management, and emphasized Mr. Hill’s “lifelong struggle with . . . mental health issues” and need for “focused, attentive therapy.” Mr. Hill followed defense counsel’s argument with statements of apology, intention to complete treatment, concern for his mother, and recognition of the inappropriateness of his conduct. Although the court curtailed Mr. Hill’s contention that he “never threatened” anyone, he does not cite any authority that rendered such argument relevant. Finally, we note that the information presented by defense counsel, and the statements made by defense counsel and Mr. Hill, were successful in

persuading the court to impose a total term of imprisonment less than that recommended by the State, suspend the unserved portion of the term in its entirety, and accept defense counsel's request to order Mr. Hill to enter treatment at Tuerk House. From these circumstances, we conclude that the court did not violate Mr. Hill's right to allocution.

**JUDGMENT OF THE CIRCUIT COURT  
FOR BALTIMORE CITY AFFIRMED.  
COSTS TO BE PAID BY APPELLANT.**