

Circuit Court for Baltimore City
Case No. 823160002

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1260

September Term, 2023

GEORGETTE ASHTON

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

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 failure to comply with a peace order and harassment, Georgette Ashton, appellant, presents for our review a single issue: whether the evidence is sufficient to sustain the convictions. For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State called Shaugh’Tai Fogg, who testified that he has a son in common with Tekesha Harper. In 2018, Mr. Fogg moved into the basement of Ms. Harper’s residence “so [he] could be a father to [their] son.” In 2019, Mr. Fogg contacted Ms. Ashton, whom he has known “since high school,” and the two began a sexual relationship. Mr. Fogg told Ms. Ashton “that [he] had a child” and that he “co-parented that son with Ms. Harper.” During the relationship, Ms. Ashton told Mr. Fogg via text message that while he was sleeping, she obtained Ms. Harper’s phone number from Mr. Fogg’s phone. Ms. Ashton subsequently asked Mr. Fogg “to move in with her,” but he declined. In 2021, Mr. Fogg “stop[ped] having sex with Ms. Ashton.” After Mr. Fogg “broke it off” with Ms. Ashton, “it started getting nasty with her.”

The State also called Ms. Harper, who testified that when the relationship between Mr. Fogg and Ms. Ashton ended, Ms. Ashton “made herself known to” Ms. Harper by “calling [her] repeatedly” and “[s]ending [her] text messages, videos, non-stop, daily.” When asked “what led up to [her] filing for a peace order,” Ms. Harper stated:

Ms. Ashton has threatened to cut off my head. She has threatened to blow [] up my home. She . . . came to my home several times. She has sent videos to me with knives, dynamite. Videos of her in her car coming to my home. Calling. Calling excessively. Texting me nonstop. I’m going to kill you, you’re going to die. I’m going to kill myself, I’m going to kill you. I’m not going to jail by myself, I’m going to kill you before I go back to jail. The only way this is going to end is with both of us dead.

On October 12, 2022, Ms. Harper obtained against Ms. Ashton a Final Peace Order, which stated, in pertinent part:

1. Unless stated otherwise below, this order is effective until 04/12/23 at 11:59 PM.
2. The respondent SHALL NOT commit or threaten to commit any of the following acts against the petitioner or the person for whom protection is sought; an act which causes serious bodily harm; an act that places the petitioner or the person for whom protection is sought in fear of imminent serious bodily harm; assault; false imprisonment; harassment; stalking; trespass; malicious destruction of property; misuse of telephone facilities and equipment; misuse of electronic communication or interactive computer service; revenge porn; or visual surveillance.
3. Respondent SHALL NOT contact (in person, by telephone, in writing, or by any other means), or attempt to contact, the person for whom protection is sought.

Ms. Harper testified that after she obtained the peace order, the “communications” continued. On March 22, 2023, Ms. Harper received the following text messages:

Fck u btch i'm gonna kill u
tic tic boom . . .
neva gonna jail lawyer on deck
fuck shawn
this grl on fire . . . burn
get ma name right tha e silent
georgette brk itz down dum dum

* * *

ma 3 kings will en u

die die

Ms. Harper testified that “what stood out the most was[] that [Ms. Ashton] constantly reminds [Ms. Harper] of the correct pronunciation of her name,” because “where [Ms. Harper is] from you say[] the E at the end of someone[’s] name.” Ms. Harper also recognized the comment that “this girl is on fire” because Ms. Ashton “threatened to burn a lot, over 90 percent of [Ms. Harper’s] body.”

On April 12, 2023, Ms. Harper received the following text messages:

fck u

stp im not gonna 2 jail

* * *

fck u n tht fake police I knw tht u

kill u 1st b4 i go2 jail

ths grl on fire

Ms. Harper also received a picture of a skull.

On April 13, 2023, Ms. Harper received the following text messages:

tic tic tic boom

no peace order time to play

1 2 i’m coming 4 u

c u soon . . .

dum dum

killa

1605 omw

kut yur head off

Ms. Harper testified that the “tick, tick, boom” comment stood out to her because Ms. Ashton “said she was going to blow up [Ms. Harper’s] home.” Ms. Harper also testified that “1605” is “the numerical portion of [her] street address,” and that Ms. Ashton had “been to [Ms. Harper’s] home before.” Ms. Harper further testified that she has had the same phone number for 23 years, and had never “received any threatening texts from anyone for those 23 years.” Following Ms. Harper’s testimony, the parties stipulated that Ms. Ashton “was on notice not to contact [Ms.] Harper.”

Ms. Ashton contends that the evidence is insufficient to sustain the convictions because the State “failed to present any evidence from which the jury could reasonably infer that [she] was the person sending the messages.” We disagree. Mr. Fogg testified that his relationship with Ms. Ashton occurred while he was living in the basement of Ms. Harper’s residence. Mr. Fogg further testified that he told Ms. Ashton “that [he] had a child” with Ms. Harper and that he “co-parented that son with” her. Ms. Ashton later told Mr. Fogg that she had obtained Ms. Harper’s number from his phone. After the end of Mr. Fogg and Ms. Ashton’s relationship, she “started getting nasty.” Ms. Harper testified that when Mr. Fogg and Ms. Ashton’s relationship ended, Ms. Ashton repeatedly called Ms. Harper and sent her text messages, threatened to decapitate and “burn” her and blow her residence up, went to her residence “several times” and sent videos of the trips, sent videos of knives and dynamite, and threatened to kill Ms. Harper and herself. After Ms. Harper obtained the final peace order against Ms. Ashton, Ms. Harper received text messages

containing Ms. Ashton’s first name, threats to kill and “burn” Ms. Harper, a demand that Ms. Harper get the sender’s “name right,” and a reference to Mr. Fogg. On the day that the peace order expired, Ms. Harper received text messages containing a threat to kill her, a reference to a girl “on fire,” and a picture of a skull. On the day after the peace order expired, Ms. Harper received text messages containing a reference to an explosion, recognition of the expiration of the peace order, the street number of Ms. Harper’s residence, and a threat to decapitate her. Finally, Ms. Harper testified that prior to the end of Mr. Fogg and Ms. Ashton’s relationship, she had never “received any threatening texts from anyone for . . . 23 years.” From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Ms. Ashton is the person who sent the messages, and hence, the evidence is sufficient to sustain the convictions.

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