

Circuit Court for Howard County  
Case No.: C-13-CR-23-000215

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2095

September Term, 2023

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CHRISTOPHER ALVIN CRIDER, JR.

v.

STATE OF MARYLAND

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Arthur,  
Friedman,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 10, 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.

A jury in the Circuit Court for Howard County convicted Christopher Alvin Crider, Jr., appellant, of carjacking and related offenses. At trial, the State began its opening statement by inviting the jury to envision themselves in the scenario that preceded the crime in this case:

Ladies and gentlemen, think about this scenario that you all have likely been in yourself.

You go with friends out to a nice dinner here in somewhere in Howard County in the Columbia area. After dinner at a nice restaurant, you get in your car and you're headed back to your home and you realize your gas tank is low. It's relatively low, let's say like a quarter tank, but you also remember that you have a trip planned for the next day. You're getting on the road in the morning to go visit family out of state and you know you want to get right on the road, so you think to yourself I don't want to worry about gas, let me go to the gas station tonight after dinner. So what do you do? You pull into one of Howard County's many gas stations.

Ladies and gentlemen, that is exactly what the victim in this case . . . was doing on the night of January 20th, 2023.

The court later sentenced Crider to 25 years' incarceration, all but 12 suspended, followed by 5 years' probation, and ordered him to pay restitution. Crider was sentenced on December 12, 2023, but he had been incarcerated since March 23, 2023. So the court announced it would award him 264 days of credit time. The commitment record and docket entries, however, indicated that Crider's sentence began on the date of sentencing.

On appeal, Crider raises two issues. He first contends that the State's opening statement was improper because it was a "golden rule" argument. Recognizing, however, that, by failing to object at trial, he did not preserve this issue for appellate review, Crider asks us to exercise our discretion to grant plain error review.

Although we have discretion to review unpreserved errors under Maryland Rule 8-131(a), the Supreme Court of Maryland has stressed that we should “rarely exercise” that discretion because “considerations of both fairness and judicial efficiency ordinarily require that all challenges that a party desires to make to a trial court’s ruling, action, or conduct be presented in the first instance to the trial court[.]” *Ray v. State*, 435 Md. 1, 23 (2013) (cleaned up). Plain error review is therefore “reserved for errors that are compelling, extraordinary, exceptional[,], or fundamental to assure the defendant a fair trial.” *Yates v. State*, 429 Md. 112, 130–31 (2012) (cleaned up). This exercise of discretion “(1) always has been, (2) still is, and (3) will continue to be a rare, rare phenomenon.” *White v. State*, 223 Md. App. 353, 403 n.38 (2015) (cleaned up).

Before we can exercise our discretion, four conditions must be met: (1) there must be an error that the appellant has not affirmatively waived; (2) the error “must be clear or obvious, rather than subject to reasonable dispute;” (3) the error must have “affected the appellant’s substantial rights, which in the ordinary case means he must demonstrate that it affected the outcome of the [trial] court proceedings;” and (4) the error “must seriously affect[] the fairness, integrity[,], or public reputation of judicial proceedings.” *Newton v. State*, 455 Md. 341, 364 (2017) (cleaned up). “Meeting all four prongs is difficult, as it should be.” *State v. Rich*, 415 Md. 567, 578 (2010) (cleaned up).

Under the circumstances presented, we decline to overlook the lack of preservation and exercise our discretion to engage in plain error review of this issue. *See Morris v. State*, 153 Md. App. 480, 506–07 (2003) (noting that the five words, “[w]e decline to do so[.]” are “all that need be said, for the exercise of our unfettered discretion in not taking notice

of plain error requires neither justification nor explanation”). Consequently, we will affirm Crider’s convictions.

Crider’s second issue on appeal concerns his commitment record. He contends that we should remand to the circuit court with the instruction to correct the commitment record and docket entries to reflect a starting date of March 23, 2023. The State counters that the proper procedural vehicle for achieving Crider’s request is to file a motion in the circuit court under Maryland Rule 4-351. Because Crider has not first directed his request to the circuit court, we decline to address the merits of his claim. That said, we agree with Crider that judicial economy would not be served by requiring him to file a motion to correct his commitment record. Accordingly, we will remand to the circuit court with the instruction to consider Crider’s argument and, if the court deems necessary, correct the commitment record and docket entries.

**CASE REMANDED TO THE  
CIRCUIT COURT FOR HOWARD  
COUNTY TO REVIEW  
APPELLANT’S COMMITMENT  
RECORD. JUDGMENT  
OTHERWISE AFFIRMED. COSTS  
TO BE PAID BY APPELLANT.**