

Circuit Court for Wicomico County
Case No. C-22-CR-23-000272

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 856

September Term, 2024

TYLER GASKINS

v.

STATE OF MARYLAND

Berger,
Friedman,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: March 26, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

Following a bench trial in the Circuit Court for Wicomico County, appellant Tyler Gaskins was convicted of kidnapping, first-degree assault, second-degree assault, false imprisonment, allowing a child to be confined in a car, violating a protective order, obstruction of justice, influencing a witness by corrupt means, and perjury.

The trial court sentenced Gaskins to a total of ninety years in prison, after which he noted this timely appeal. Gaskins raises two questions for our consideration, which we have modified:

1. Did the court err when it permitted expert testimony regarding the relationship between Gaskins and his victim?
2. Did the trial court err in imposing separate sentences for false imprisonment and kidnapping?

We shall affirm the judgments of conviction. We conclude, however, that the trial court erred in failing to merge Gaskins' sentence for false imprisonment with his sentence for kidnapping. Therefore, we shall remand to the trial court to vacate the separate sentence for false imprisonment.

BACKGROUND

At trial, the State developed the following evidence¹:

In May 2023, Gaskins and Ashley Long were in a romantic relationship, living together with their infant daughter. Long's older daughter from a previous relationship also resided primarily in their Wicomico County home.

¹ Gaskins elected a bench trial. He did not testify and offered no evidence in his case.

On May 2, 2023, Gaskins accused Long of cheating on him with her ex-boyfriend, Roberto Lopez, an accusation she vehemently denied. Long contacted her aunt and uncle, Pamela and David Frontera, “crying hysterically,” and asked them to mediate the dispute. After an approximately five-hour conversation at the Fronteras’ house, during which Gaskins continued to accuse Long of infidelity, Ms. Frontera drove Long home. At that time, Ms. Frontera did not observe any signs of injury on Long.

The next evening, May 3, 2023, Long and her longtime friend Leanna Horsey had made plans to get together, but when Horsey arrived at Long’s house, Long did not respond. Instead, Gaskins came outside, waved Horsey off, and would not permit her to talk to Long.² Worried, Horsey called the police to check on Long. No one was in the house when the police arrived.

That same evening, Paul Silberquit was in his bedroom in the house he shared with Lopez when he heard banging on the entry door. He left his room to find Gaskins and Long in the kitchen. Gaskins yelled for Lopez, saying he owed Long money for a sexual act. When Lopez joined them, a loud conversation ensued, and Silberquit told the group to take their dispute outside. Silberquit observed Gaskins punch Long in the face and upper body several times, grab her by the hair, and drag her along the ground. Gaskins then ran out of

² Long later told Horsey and Lopez that Gaskins locked her in the bedroom and would not allow her to open the door when Horsey arrived. The statement was captured on the body-worn camera of the State Trooper who interviewed Long after she was assaulted at Lopez’s house. The video footage, and a transcript thereof, was admitted into evidence at trial.

the house. After Gaskins left, Long was crying and worried about her children who were in the car with Gaskins. Silberquit called 911.

Lopez testified that he had not seen or been in contact with Long since they ended their relationship in 2022. He stated that after barging into his house, Gaskins brandished a knife toward him and told him he could “have this bitch” because she had been cheating. When Long refused to leave the house with him, Gaskins pulled her, by her hair, down the hallway and choked her to the point that she could not breathe. Long showed Lopez the injuries Gaskins had inflicted, saying that he had been “beating her for a while.”

Upon learning that Long was at Lopez’s house, Horsey proceeded there to find Long injured, shaking, and crying. When the EMS responder arrived, Horsey heard Long tell him that her boyfriend had caused her injuries.

Maryland State Trooper Dra’Karr Hopkins also responded to Silberquit’s 911 call and found Long “hysterical and shaky.” Long asked him to close the door because she was afraid her significant other would return. Long told Tpr. Hopkins that Gaskins assaulted her earlier at their home and threatened to kill her if she did not admit to cheating on him with Lopez. Gaskins then forced her and her children into her car and continued to punch her in the face as they drove to Lopez’s house.³ When she refused to leave Lopez’s house with him, Gaskins assaulted her again, dragging her down the hallway by her hair and

³ In a later written statement to the police, Long stated that “Tyler” punched her in the head, dragged her off the couch, and choked her before forcing her and the children to ride to Lopez’s house.

choking her. Long expressed deep concern about her children, who were with Gaskins in the car.

In talking to Tpr. Hopkins, Long added that Gaskins had caused the visible injuries to her eyes by punching her in the face the night before, and Tpr. Hopkins heard her tell the EMS responders that Gaskins had punched her in the head and chest, causing her ribs to hurt, after he accused her of cheating on him. Although fearful of Gaskins returning, Long did not appear to Tpr. Hopkins afraid of Lopez and never identified anyone other than Gaskins as her attacker.

A short time later, Gaskins called the Fronteras, telling them, unprompted, that he had not hurt Long and that he had the children and would not hurt them. He asked if the Fronteras had called the police because he did not want the authorities involved. At the Fronteras' request, Gaskins later returned the children to their house. The children had not been physically harmed.

Horsey called the Fronteras to advise that Long was being transported to the hospital. When the Fronteras arrived at the hospital after receiving Horsey's call, Long displayed "[b]ruises all over her, and strangulation marks on her neck" and appeared to Ms. Frontera to be "broken" emotionally and physically. The Fronteras later heard Long tell a police officer that Gaskins had assaulted her.

Long underwent an examination by forensic nurse coordinator Eunice Esposito, who testified at trial. At the start of the examination, Long was crying and in pain, primarily

from a sternal fracture, and appeared to be upset.⁴ When Esposito asked Long who had “done this to her[,]” Long named Gaskins. In further response to Esposito, Long explained that Gaskins had found a cell phone in the glove compartment of her car and, after showing her texts on the phone, began punching and strangling her. He forced her and her two children into the car, punching her and yelling “you fucked him” in front of the children, while driving to the home of the person he thought she was cheating with.

Esposito’s physical examination revealed pain and contusions to Long’s scalp from having her hair pulled, pain to her chest wall from the sternal fracture, “multiple areas of abrasions and contusions” to her face, body, and arms, swollen lips, and injury to her neck. The bruises were in various stages of healing, leading Esposito to opine there was “a pattern of injury that was occurred [sic] multiple times.”

Tpr. Hopkins interviewed Long again on May 4, 2023. She told him that, on the evening of May 2, 2023, Gaskins assaulted her after her aunt dropped her off, still believing that she had cheated on him. The argument appeared to end, and they went to sleep, but Long was awakened by Gaskins choking her and continuing to accuse her of cheating. Gaskins left the room, and when she followed him, he kneed her in the chest.

For her safety, Tpr. Hopkins escorted Long to her home to get some belongings for herself and her children. Upon their arrival, the front door had been kicked in, but no one

⁴ Esposito characterized a sternal fracture as a serious physical injury requiring a great deal of force. She said that a sternum may be fractured, for example, when an unrestrained driver hits the steering wheel during a motor vehicle crash.

was home. Long found and gave to Tpr. Hopkins an apparent suicide note Gaskins had left on their bed.

That same day, Long petitioned for a protective order against Gaskins, which was granted, but dismissed several days later at Long’s request.

Long, permitted by the court to be treated as a hostile witness after failing to answer many of the prosecutor’s questions, recalled that Gaskins accused her of cheating on him in early May 2023, but she denied memory of his specific accusation on May 3, 2023. She further denied her May 2 contact with the Fronteras for guidance on her relationship, or discussing Gaskins’ allegation of cheating with them. Rather, she said, she met with them “for church reasons.” Long stated that she took out a protective order against Gaskins only because her mother threatened her with loss of custody of her children if she did not.⁵

Long also denied any recollection of her interview with Tpr. Hopkins on May 4, 2023, but she “guess[ed]” she told him the truth. When confronted with the written transcript of her statement to Tpr. Hopkins, Long remembered that Gaskins alleged she had cheated on him, but she denied that he punched her, kneed her in the chest, or forced her to go with him to Lopez’s house. Instead, she said she went willingly with Gaskins to the house because Lopez had been pursuing her, texting her, and driving past her house, and they wanted to have a conversation with him about his stalking-like behavior. Long denied any memory of what happened inside Lopez’s home. She said she went to the hospital that

⁵ Tpr. Hopkins testified that Long told him she wanted to take out a protective order. She did not say anything to him about her mother threatening her.

night because she had a headache and was “hyperventilating from being upset.” She did not recall any other injuries.

The trial court permitted the admission of Tpr. Hopkins’ body-worn camera footage of his contact with Long on his response to Lopez’s home on May 3, 2023, and a transcript of the video, as proof of Long’s feigned memory loss. Thereafter, Long conceded that Gaskins strangled her with both hands at Lopez’s house, causing her to be unable to breathe. She also recalled that he hit her “[a]ll over” her head and in her chest, both at their home and in the car on the way to Lopez’s house.

Long admitted that, after his arrest, she spoke with Gaskins nearly every day from jail about her testimony in the case; she agreed that he had pressured her to assert a marital privilege, to say she had been in a bad accident, and to blame Lopez for all the injuries she sustained.⁶ On May 18, 2023, Long attempted to follow Gaskins’ instructions and file charges against Lopez to “help Tyler,” but she told her aunt that she feared going to jail for perjury for doing so.⁷ Long also admitted to writing a letter to the State’s Attorney’s Office implicating Lopez in the assault, but she conceded that the allegations in the letter were false. When the prosecutor directly asked Long whether Lopez caused any of the injuries she sustained on May 3, 2023, she shook her head and whispered, “No.”

⁶ Long acknowledged that she and Gaskins were not married. She also acknowledged that the jail calls violated the protective order in effect at the time.

⁷ The court commissioner declined to authorize the filing of charges against Lopez.

DISCUSSION

I. The Testimony of Karen Hughes

Karen Hughes was offered by the State as an expert in domestic and intimate partner violence and was qualified to testify about the “cycle of violence” within some couples’ relationships, explaining that the abuser often uses power and control to keep the victim subservient to their demands. Hughes explained that sometimes relationships are good between romantic partners, but when battering occurs, the intervals between the abuse often becomes shorter until it occurs “almost all of the time.” Domestic violence victims, Hughes continued, often display traits of wanting to please the abuser and to do what they are told or risk being harmed. In Hughes’ experience, domestic violence victims often recant their accusations in criminal matters.

Although acknowledging that she had not spoken with Long directly, Hughes noted that Long’s trial testimony—professing to have forgotten whether she had done or said things but then admitting quietly that she had—fit the profile of a domestic violence victim. Hughes opined that Long and Gaskins fit into the “cycle of violence” and that, “yes, there was abuse there.” Admitting that testimony, Gaskins asserts, was an abuse of discretion.

Gaskins argues that the trial court erred in permitting Hughes to testify, as an expert, that she believed he and Long were engaged in a cycle of violence and that there was abuse in their relationship. He posits that, had Hughes testified that the evidence adduced at trial was “*consistent with*” a cycle of domestic violence, such testimony “may have been permissible.” (Emphasis added.) But, he argues, Hughes’ opinion that he and Long *were* engaged in a cycle of violence and that there *was* abuse in their relationship was

impermissible, as it encroached on the trial court’s function to judge Long’s honesty and credibility and weigh her testimony to resolve contested facts. The error, he concludes, was not harmless because Long’s credibility was “crucial” and the “main source of evidence” that it was Gaskins who inflicted the injuries upon her, and Hughes’ testimony may have influenced the court’s verdict.

Preservation

The State responds, first, that Gaskins has not preserved the issue for appellate review because he did not interpose a contemporaneous objection to Hughes’ testimony on the grounds now asserted. Moreover, the State argues, his appellate claim is not clearly within the scope of a continuing objection granted to him by the trial court at the onset of Hughes’ testimony.

Notwithstanding its preservation argument, the State continues, the trial court properly admitted Hughes’ statement because Gaskins was not charged with a cycle of violence or abuse, so the expert’s testimony was not tantamount to a declaration that Long was telling the truth about the specific charges of assault on May 2 and 3, 2023, or that the State’s theory about the charged offenses was correct. Moreover, the State argues, Hughes’ expert opinion was corroborated by a “great deal of physical evidence” presented by the State, including Long’s own testimony and that of her friends and family members, first responders, and hospital personnel, and recordings of jail calls between Gaskins and Long. Finally, the State argues that the prosecutor did not rely on Hughes’ opinion in closing argument, and the trial court did not mention it in rendering its verdict. For those reasons,

the State suggests that the expert testimony was of little, if any, significance to the outcome.⁸

After the prosecutor and defense counsel *voir dired* Hughes on her qualifications as an expert in the field of domestic and intimate partner violence, defense counsel objected to her introduction as an expert, stating, “Your Honor, I strongly object to her being introduced as an expert. I don’t think there’s any basis whatsoever.”

The following colloquy then ensued:

[PROSECUTOR]: Your Honor, I believe that she’s met the—we’ve met the standard in order to have her admitted as an expert in the field of domestic and intimate partner violence.

She’s been disclosed as an expert. She has been admitted as an expert two times, once in Wicomico, once in Worcester. She has training, knowledge, and experience that would support Your Honor, the fact finder, in determining whether there were—whether behavior that has been adduced at trial is consistent with either a—a dishonesty or whether that’s consistent with the cycle of domestic violence. And I think that’s an important factor for Your Honor to consider at the trial.

[DEFENSE COUNSEL]: If I can briefly respond?

THE COURT: You may.

[DEFENSE COUNSEL]: This case is about specific allegations about specific occurrences, and there’s no basis by which she can talk about the specific instances here.

And then the State’s argument a minute ago about dishonesty, those are matters for the finder of fact. And Your Honor certain[l]y can determine those facts and dishonesty and those issues and weigh the credibility which is what the fact finder is there to do.

⁸ Which, of course, begs the question of why the expert witness was called.

Again, I’d strongly object. I just see no basis whatsoever other than to sort of support the State’s version of the events.

The court ruled that it was “going to allow her in as an expert in the field of domestic . . . and inter-partner violence.” The court advised defense counsel that it would “listen to any further objections at the appropriate time.” After agreeing it would note counsel’s “objection on this[,]” the court, *sua sponte*, granted the defense a continuing objection.

Hughes then testified, as detailed above, about the definition of the “cycle of violence” and traits that are common to domestic violence abusers and consistent with the cycle of violence and the power the abusers wield over their victims. She added that domestic violence victims often display self-doubt and want to please the abuser, which could include recanting allegations against the abuser in criminal matters.

When asked her opinion of whether Long and Gaskins were involved in a cycle of violence, Hughes answered, “From what I’ve heard from the testimony that, yes, there was abuse there.” Defense counsel objected, offering as the ground of his objection that Hughes “has no medical ability to make a determination to a medical certainty given her prior testimony that she has a Master[’]s degree. I object to the question and answer.” The court overruled the objection, advising it would “give it the weight I think it deserves.”

At the close of the prosecutor’s direct examination, the trial court asked if defense counsel wished to cross-examine the witness. Counsel responded:

[DEFENSE COUNSEL]: Your Honor, I would just renew my objections to the—

THE COURT: So noted. Overruled.

[DEFENSE COUNSEL]: Thank you, Your Honor. I have no questions.

Gaskins’ complaint on appeal is that the trial court erred in admitting Hughes’ testimony that he and Long were involved in a “cycle of violence” and “yes, there was abuse there.” Such testimony, he asserts, amounted to an impermissible opinion that Long was telling the truth, and therefore invaded the province of the court as fact-finder to judge the credibility of the witnesses and weigh their testimony to resolve contested facts.

Defense counsel offered a specific objection to the question eliciting Hughes’ testimony, that is, that with a Master’s degree, she lacked the medical ability to make that determination to a medical certainty. That specific objection differs from Gaskins’ allegation of error raised in his brief.

Maryland law is well-settled that “where an appellant states specific grounds when objecting to evidence at trial, the appellant has forfeited all other grounds for objection on appeal.” *Perry v. State*, 229 Md. App. 687, 709 (2016) (citing *Klaunberg v. State*, 355 Md. 528, 541 (1999)), *cert. dismissed*, 453 Md. 25 (2017). *See also Monk v. State*, 94 Md. App. 738, 746 (1993) (“Because appellant did indeed set forth a specific ground for his objection, we consider all other grounds—including the ground stated in appellant’s brief before this court—as waived.”).

It is true that the trial court permitted a continuing objection to the defense at the start of Hughes’ testimony. But, pursuant to Md. Rule 4-323(b), “[f]or purposes of review by the trial court or on appeal, the continuing objection [to a line of questions by the opposing party] is effective only as to questions clearly within its scope.” In our view, the trial court’s grant of a continuing objection alone would not alleviate Gaskins’ lack of

preservation of the issue relating to Hughes’ testimony. Nonetheless, we reject the State’s preservation argument.

Although the basis of the trial court’s grant of the continuing objection is not entirely clear, a fair reading of the entire colloquy on the subject leads us to conclude that defense counsel’s initial objection rested on the contention that there was no basis for the court to accept Hughes as an expert witness at all, as the case was not about a pattern of abuse, but discrete assaults allegedly committed by Gaskins on two specific dates in May 2023.

It is clear from the record that defense counsel offered not just one, but two discrete objections to Hughes’ testimony. In that regard, we recall the discussion at the outset of her testimony:

[DEFENSE COUNSEL]: This case is about specific allegations about specific occurrences, and there’s no basis by which she can talk about the specific instances here.

After further discussion, the court overruled the objection and, *sua sponte*, granted a continuing objection.

When Hughes offered her opinion as to a cycle of violence, defense counsel objected on the basis of Hughes’ lack of medical expertise. Again, the court overruled. Finally, at the close of the State’s direct examination of Hughes, the following occurred in response to the court’s inquiry of defense counsel’s intent to cross-examine:

[DEFENSE COUNSEL]: Your Honor, I would just renew my objections to the –

The court did not permit counsel to continue, responding only “[s]o noted” and “[o]verruled.”

We conclude that counsel’s use of the plural in renewing his objections preserves both objections.

Harmless Error

Even were we to assume for the sake of argument that the complained-of testimony was inadmissible and was more precisely objected to, it posed little or no risk of prejudice to Gaskins. We are convinced that any error in admitting Hughes’ opinion was harmless beyond a reasonable doubt. *See Dionas v. State*, 436 Md. 97, 108 (2013) (stating that an error is harmless when a reviewing court is “satisfied that there is no reasonable possibility that the evidence complained of—whether erroneously admitted or excluded—may have contributed to the rendition of the guilty verdict” (quoting *Dorsey v. State*, 276 Md. 638, 659 (1976))).

Abundant credible evidence of the May 2 and 3, 2023 events involving Long and Gaskins was presented by several other witnesses. Lopez and Silberquit actually observed Gaskins punch Long and drag her down the hall by her hair. Long herself, both at trial and through contemporaneous reports made by her to emergency medical services personnel, police officers, and hospital staff, acknowledged the abuse. Long also told Lopez that Gaskins had been “beating her for a while.” It is therefore exceedingly unlikely that the trier of fact—here an experienced and knowledgeable trial judge sitting without a jury—gave undue credence to Hughes’ testimony that Long’s behavior at trial pointed to a cycle of violence and abuse. The courts are expected to know and apply the law properly, *see State v. Chaney*, 375 Md. 168, 181 (2003). Any error in the admission of Hughes’ testimony and opinion was harmless.

Moreover, even assuming Hughes’ testimony was admitted in error, it provided merely cumulative evidence, that is, evidence tending to prove the same point as other evidence presented at trial. Hughes testified that “[f]rom what I’ve heard from the testimony that, yes, there was abuse there.” *See Dove v. State*, 415 Md. 727, 744 (2010) (“[W]itness testimony is cumulative when it repeats the testimony of other witnesses introduced during the State’s case-in-chief.”).

II. Merger of False Imprisonment and Kidnapping

Gaskins also contends that the trial court erred in failing to merge his conviction of false imprisonment into his conviction of kidnapping for sentencing purposes. In his view, because it is not clear whether the court’s false imprisonment conviction was based on the same or different conduct than the kidnapping conviction, he is entitled to the benefit of the doubt, which requires that the offenses must merge. As a result, he concludes, the court must vacate his sentence for the lesser offense of false imprisonment.⁹

The State counters that the prosecutor’s closing argument at trial supports the separate convictions and sentences. The prosecutor stated, and defense counsel appeared to agree, that the false imprisonment occurred when Gaskins blocked the door and would not permit Long to exit the room to speak with Horsey on May 3, 2023. The kidnapping,

⁹ Acknowledging that he did not argue for merger at his sentencing hearing, Gaskins correctly points out that a sentence that should have been merged is illegal, and a challenge to an illegal sentence may be raised at any time pursuant to Md. Rule 4-345(a). *See McClurkin v. State*, 222 Md. App. 461, 489 n. 8 (2015) (quoting *Pair v. State*, 202 Md. 617, 624 (2011)). Therefore, this issue is properly before us.

the State argues, that is, forcing Long into the car and driving to Lopez’s house, was a separate event.

During closing argument, the prosecutor stated that the alleged kidnapping in count one of the indictment consisted of Gaskins compelling Long by use of force in the form of an assault to get into her car and go with him to Lopez’s house on May 3, 2023. As to the charge of false imprisonment on May 3, 2023, contained in count seven of the indictment, the prosecutor argued,

False imprisonment is the blocking of the door. Again, that was established in the body worn camera that was admitted substantively where she tells Ms. Horsey . . . that she wasn’t allowed out. And when she arrived, when [Horsey] arrived to see her, and that’s at the point that the assault started and that he started sling [sic] [Long] around in the house.

Relating to count 15, a second charge of false imprisonment, the prosecutor specified that it related to the night of May 2, 2023, when Long awoke to find Gaskins on top of her, and she went to the living room to retrieve her phone, but he “blocked the door so she could not leave. She did testify on the stand to him blocking the door on May the 2nd as it related to that event.”

In his closing argument, defense counsel agreed that, as to the charges of false imprisonment,

essentially, this relates to blocking of a door. And, again, we go to beyond a reasonable doubt. There’s nothing showing beyond a reasonable doubt that Mr. Gaskins kept her in the home.

In fact, numerous times since this supposed false imprisonment, she does leave the home and does so willingly and voluntarily. And even if the State’s argument was to be believed, that the blocking may have been momentarily. It was not something where he’s confining her.

Typically, when you see this count sustained in a case, you’re looking at some physical confinement, a chaining, a locking of a door into a room. There’s none of that here. And this under beyond a reasonable doubt, I think, fails completely.

* * *

We then go to the May 2nd incident where Ms. Long testified that Mr. Gaskins shook her and that there was a blocking of the door. Again, there’s very little evidence of that.

* * *

He didn’t—Mr. Gaskins did not force Ms. Long to stay in the home. I’ve touched on that.

The trial court, in announcing its verdict, found Gaskins guilty of count one, kidnapping, and count seven, false imprisonment of Long on May 3, 2023, with no further explanation. The court found Gaskins not guilty of count 15, false imprisonment of Long on May 2, 2023, also without explanation. The court sentenced Gaskins to twenty years in prison for the kidnapping and to a consecutive term of ten years for the false imprisonment.

As the Supreme Court explained in *Brooks v. State*, 439 Md. 698, 737 (2014):

The merger of convictions for purposes of sentencing derives from the protection against double jeopardy afforded by the Fifth Amendment of the federal Constitution and by Maryland common law. Merger protects a convicted defendant from multiple punishments for the same offense. Sentences for two convictions must be merged when: (1) the convictions are based on the same act or acts, and (2) under the required evidence test, the two offenses are deemed to be the same, or one offense is deemed to be the lesser included offense of the other.

(Cleaned up.)

Pursuant to this Court’s holding in *Hunt v. State*, 12 Md. App. 286, 310 (1971), assuming that the factual bases for the charges of false imprisonment and kidnapping are

the same, “[a]t common law and under the Maryland statute, false imprisonment is a necessary element to kidnapping. In proving the statutory kidnapping, false imprisonment is also proved, for the victim is unlawfully detained whether he is carried or intended to be carried within or without the State.” *See also Paz v. State*, 125 Md. App. 729, 739 (1999) (“False imprisonment is a lesser included offense of kidnapping. If kidnapping is proved, false imprisonment is also proved.” (citation omitted)).

Here, the court’s finding of guilt on the charge of false imprisonment on May 3, 2023, and not guilty on the charge of false imprisonment on May 2, 2023, makes clear that its conviction of false imprisonment rests on Gaskins’ actions on the evening of the kidnapping, which involved the forced transportation of Long to Lopez’s house. The critical question as to merger is whether the kidnapping conviction and the false imprisonment conviction are based on the “same act or acts.”

Long’s statement to Horsey and Lopez could support a finding that Gaskins falsely imprisoned her before the kidnapping by not letting her out of her room to speak with Horsey; in other words, confining her to the house in preparation of the kidnapping but interrupted by Horsey’s arrival. Horsey testified that she arrived at Long’s house at approximately 7:30 p.m. on May 3, 2023, and was turned away by Gaskins without being permitted to see or speak with Long. Lopez testified that Long and Gaskins arrived at his house at 7:56 p.m. The trial court could have found that the short amount of time between the false imprisonment and the kidnapping rendered the offenses one continuing act. Under that circumstance, the conviction of false imprisonment would merge into the conviction of kidnapping for sentencing purposes under *Hunt*.

The separate convictions and sentences imposed by the trial court appear to suggest, however, that it determined that the false imprisonment and the kidnapping were not one continuing event, perhaps because they were too disparate in time, but the court offered no explanation for its determination. Therefore, we must resolve that factual ambiguity in favor of Gaskins and merge the convictions for sentencing purposes in any event. *See Nicolas v. State*, 426 Md. 385, 400 (2012) (“[W]e hold that where there is a factual ambiguity in the record, in the context of merger, that ambiguity is resolved in favor of the defendant.”); *Snowden v. State*, 321 Md. 612, 619 (1991) (“Because the case was tried by the court, we must look to the judge’s rationale for the convictions. That rationale is not readily apparent to us, so . . . we are constrained to give the [appellant] the benefit of the doubt and merge his sentence for and conviction of assault and battery into those for the robbery charge. The fundamental principle of fairness in meting out punishment requires us to so hold.”).

**JUDGMENTS OF THE CIRCUIT COURT
FOR WICOMICO COUNTY AFFIRMED;
CASE REMANDED TO THAT COURT TO
VACATE APPELLANT’S SENTENCE
IMPOSED ON THE CHARGE OF FALSE
IMPRISONMENT; COSTS TO BE PAID 1/2
BY APPELLANT AND 1/2 BY WICOMICO
COUNTY.**