

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1323

September Term, 2016

IN RE: S.E.

Berger,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 5, 2017

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

On July 5, 2016, the Circuit Court for Prince George’s County, sitting as the juvenile court, found S.E. to be involved in the delinquent acts of attempted robbery, second-degree assault, and attempted theft. On appeal, S.E. contends that the juvenile court abused its discretion in denying her motion to postpone the adjudicatory hearing. Finding no abuse of discretion, we affirm.

“[T]he decision whether to grant a postponement is within the sound discretion of the trial judge.” *Howard v. State*, 440 Md. 427, 441 (2014) (citation omitted). Accordingly, “[w]e review the decision to deny a motion for a continuance for an abuse of discretion[,]” which occurs “only where no reasonable person would take the view adopted by the [trial] court . . . or where the court acts without reference to any guiding rules or principles[.]” *Prince v. State*, 216 Md. App. 178, 203–04 (citations and internal quotation marks omitted), *cert. denied*, 438 Md. 741 (2014).

We find no abuse of discretion here. The grounds for the motion were that “due to defense counsel’s inability to reach [S.E.] in a timely manner, defense counsel needs extra time to prepare for the merits hearing[.]” At the hearing on the motion, defense counsel told the court that he had contacted S.E.’s mother two weeks prior to the hearing, when he was first assigned to the case, but that he had not been able reach S.E., who was apparently residing in a group home in Washington, D.C., until four days before the hearing date. Defense counsel offered no explanation for this delay, such as details about the efforts that had been made to contact S.E., but stated only that he was “not able to track her down[.]” And, although defense counsel confirmed that he spoke to S.E. four days prior to trial, he gave no reason for why he had been unable to meet with her until the morning of the

hearing. Defense counsel then suggested that a postponement was necessary because there may be outstanding discovery.

The prosecutor “strenuously” objected to the motion, asserting that the State had provided discovery to the defense “over two months” prior to the hearing, and that there was nothing outstanding. The prosecutor further noted that defense counsel “has had the opportunity all morning to speak with the witness, the victim and the officers” who were present and that “[h]e’s done that.” The prosecutor also informed the Court that the victim was present, and had traveled to Maryland, from her home in New York, at State expense, to testify. Under these facts and circumstances, the juvenile court was well within its discretion to deny the requested postponement.

**JUDGMENTS OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**