

IN THE COURT OF APPEALS
OF MARYLAND

No. 58

September Term, 2017

CORNELIUS JOHN MCIVER

v.

STATE OF MARYLAND

Greene
Adkins
McDonald
Watts
Hotten
Getty,

JJ.

ORDER

Filed: November 16, 2017

CORNELIUS JOHN MCIVER

Petitioner

v.

STATE OF MARYLAND

Respondent

* **In the**
* **Court of Appeals**
* **of Maryland**
* **No. 58**
* **September Term, 2017**
* **No. 129971C, Circuit Court**
for Montgomery County

ORDER

WHEREAS, a supplemental petition for writ of certiorari having been filed by Petitioner and granted by this Court with a writ of certiorari being issued on November 3, 2017; and

WHEREAS, Respondent was issued a citation for a speed camera infraction, which carries a civil penalty not exceeding \$40, pursuant to Sec. 21-809(c) of the Transportation Article; and as a result of proceedings held in the District Court of Maryland, sitting in Montgomery County, the charges against Respondent ended in a default judgment. Thereafter, Respondent noted an appeal to the Circuit Court for Montgomery County; and

WHEREAS, the Circuit Court for Montgomery County did not assign the case to its civil docket but instead assigned the case to its criminal docket and designated it criminal case no. 129917-C and set the matter for a pre-trial hearing; a hearing at which the Respondent failed to appear. Thereafter, Respondent noted an appeal to the Court of Special Appeals; and

WHEREAS, the Court of Special Appeals transferred to this Court on August 7, 2017 the above captioned appeal pursuant to Sec. 12-302(a) of the Courts & Judicial Proceedings Article, and Md. Rule 8-132; and

WHEREAS, Sec. 4-401(13) of the Courts & Judicial Proceedings Article provides that the District Court has exclusive civil jurisdiction in a proceeding for a civil infraction under Sec. 21-809(c) of the Transportation Article; and

WHEREAS, Sec. 21-809(c)(2) of the Transportation Article provides, in part, that a driver of a motor vehicle is subject to a civil penalty if a motor vehicle is recorded by a speed-monitoring system while being operated in violation of the law, it is this 16th day of November, 2017,

ORDERED, by the Court of Appeals of Maryland, that this case be, and it is hereby, remanded to the Circuit Court for Montgomery County for further civil proceedings with the appropriate parties pursuant to Sec. 4-401 (13) of the Courts & Judicial Proceedings Article and Sec. 21-809 of the Transportation Article; and it is further,

ORDERED, that this case be unsealed and the record in this case be corrected by designating it as a civil, rather than a criminal, proceeding *nunc pro tunc*.

/s/ Clayton Greene, Jr.
Senior Judge

*Chief Judge Barbera did not participate in the consideration of this matter.