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APPELLATE COURT OF MARYLAND

Pascal S. Nensala v. State of Maryland, No. 703, September Term 2024, filed February 2, 2026. Opinion by Eyler, Deborah S., J.

https://www.mdcourts.gov/data/opinions/cosa/2026/0703s24.pdf

CONSTITUTIONAL RIGHT OF CONFRONTATION – CROSS-EXAMINATION – RELEVANCE OF STATE'S PRIMARY WITNESS'S MENTAL DISORDER TO CREDIBILITY – ATTACK ON CREDIBILITY BASED ON IMPAIRMENT OF WITNESS'S ABILITY TO ACCURATELY PERCEIVE AND RECALL REALITY AT THE TIME OF THE CRIME – MD. RULE 5-616 – DEFENSE PROFFER MUST REST ON FACTUAL FOUNDATION THAT VICTIM WAS SUFFERING FROM MENTAL DISORDER IN QUESTION AT THE RELEVANT TIME AND THAT DISORDER WAS SUCH AS TO IMPAIR VICTIM'S ABILITY TO ACCURATELY PERCEIVE AND RECALL REALTY.

Facts:

While in his office at his place of work, the victim was confronted by an assailant who stabbed him in the chest twice. The assailant tried to stab him a third time but the victim managed to get away and run outside, where people came to his aid. The victim told responding police officers that the appellant had stabbed him. The appellant, the victim, and the victim's wife had worked in the same office for many years, until soon before the stabbing, and were friends. The victim and his wife were going through a divorce, and the victim suspected, correctly, that his wife and the appellant were having an affair. The victim was transported to a hospital where he underwent surgery for multiple stab wounds to his lungs.

The appellant was charged with several crimes, including attempted first-degree and second-degree murder. Only the assailant and the victim witnessed the stabbing. The victim was the State's primary witness at trial. He testified about the stabbing and that the appellant was the person who had stabbed him. The appellant pursued a defense of lack of criminal agency, theorizing that someone else had stabbed the victim and the victim had imagined that the appellant had been the stabber. On cross-examination, he sought to impeach the victim's credibility by questioning him about his mental health history, particularly that he had been diagnosed with bipolar disorder. Defense counsel proffered that the victim had been diagnosed with that disorder and was on medication for it. The State objected on the ground of relevancy. The court ruled that the defense could not pursue that line of inquiry on cross-examination.

The appellant was convicted on all counts and on appeal contended that the court's ruling was in error, that the evidence was legally insufficient to prove intent to kill and premeditation and deliberation, and that the court plainly erred in sentencing him.

Held: Affirmed.

The appellant sought to impeach the victim's credibility by showing that his mental disorder impaired his ability to perceive the stabbing event, causing him to hallucinate or suffer a delusion that the appellant was the stabber when he was not. To cross-examine the victim for that purpose, the appellant needed to proffer a factual foundation for the assertion that the victim had the mental disorder in question and that the mental disorder could seriously impair the victim's ability to perceive and accurately recall reality. There was an adequate factual foundation for the proffer that the victim suffered from bipolar disorder. The appellant did not proffer that the victim's bipolar disorder could have seriously impaired his ability to perceive reality during the stabbing. Generally, in cases throughout the country in which cross-examination of a witness about his or her mental disorder has been permitted as an attack on the witness's credibility, the mental disorder has been one such as schizophrenia, where psychosis manifesting in hallucinations or delusions is a feature. The cases in which bipolar disorder was the mental disease in question have not permitted cross-examination for that purpose. Bipolar disorder is a mood disorder and ordinarily does not have psychosis as a feature. To be relevant, a proffer would have to show not only that the witness suffered from bipolar disorder but also that he or she had suffered psychotic features to the disorder and was experiencing psychotic features at the relevant time. Because there was no such proffer, the fact that the victim in this case had been diagnosed with bipolar disorder was not relevant to his credibility. Even if it had been, which it was not, there was ample reason for the court to conclude that cross-examination on that topic would be unduly prejudicial.

The evidence that the appellant stabbed the victim in the chest, where vital organs are located, was sufficient to allow a reasonable jury to find that the appellant acted with the intent to kill. There also was sufficient evidence of premeditation and deliberation. Finally, the sentencing court did not err or abuse its discretion in hearing information about a rejected plea deal by the appellant and in considering whether the victim's wife was being honest with the court in presenting herself solely in the role of therapist, when she was part of the love triangle underlying the crimes. Without error or abuse of discretion there could be no plain error.

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Kenneth Lee Wharton, III v. State of Maryland, No. 1060, September Term 2024, filed February 25, 2026. Opinion by Wells, C.J.

https://www.mdcourts.gov/data/opinions/cosa/2026/1060s24.pdf

CRIMINAL LAW – PROBATION EXTENSION – CONSENT – ILLEGAL SENTENCE

Facts:

This appeal arises from the extension of appellant Kenneth Lee Wharton's probation by the Circuit Court for Worcester County. Wharton pled guilty to first-degree assault in 2011. As part of his sentence, he served three-and-a-half years of probation with a condition to pay $65,192 in restitution. At the end of the probation period, he still owed a significant sum toward restitution. Therefore, after a violation of probation ("VOP") hearing, the court extended his probation for another three-and-a-half years so he could continue making restitution payments.

In 2019, after another VOP hearing, the court extended Wharton's probation for five additional years for the purpose of paying restitution. Wharton signed a new "amended" probation order that indicated the five-year extension and imposed "all standard conditions" of probation, including that he "obey all laws."

A few months later, Wharton was charged with second-degree assault and two counts of violating a condition of pre-trial release. At the VOP hearing, Wharton admitted to two non technical violations of his probation. The court accepted Wharton's admission, found him in violation of his probation, and continued the probation without modification.

When the probation term was up, the court held another hearing to address the sum Wharton still owed in restitution. At that time, Wharton moved to correct an illegal sentence, arguing the 2019 extension was illegal because he did not validly consent in writing. The court denied his motion and Wharton then consented to another five-year extension in exchange for the State withdrawing its VOP petition. This appeal followed.

Held: Reversed.

First, Wharton validly consented to the 2019 extension. An extension of probation is valid so long as the defendant is provided the necessary information regarding the conditions and duration of their probation, and they agree to both when they sign their probation order. A defendant cannot consent to illegal conditions of probation. Importantly, the inclusion of an illegal condition does not invalidate a defendant's consent to the extension of probation.

Here, Wharton had been advised orally of the extension and it was written on the order he signed along with the other conditions the court imposed. By signing his probation order, Wharton consented to the conditions of his probation for the extended duration of his probation.

Second, the circuit court erred in imposing the standard conditions of probation upon Wharton's 2019 extension. Generally, a circuit court may not impose a period of probation longer than five years. However, if restitution is a condition of probation, the court may extend it for an additional five years **solely for the probationer to make restitution**. CP § 6-222(b)(1)(i). In making such an extension, the court does not have the authority to impose additional conditions, including the standard conditions, on top of the requirement that the individual makes restitution. Because the court extended Wharton's probation more than five years beyond the initial five-year period for the purpose of restitution and also imposed the standard conditions of probation, the probation sentence was illegal.

Third, the illegality of the probation extension renders it a nullity, as well as any violations under it. Because the extension was illegal, no cognizable violation was alleged, and the court lacked jurisdiction to find any occurred. Therefore, Wharton's violations of probation under the 2019 extension are void.

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In the Matter of Justin Holder, No. 1627, September Term 2024, filed February 5, 2026. Opinion by Nazarian, J.

https://www.mdcourts.gov/data/opinions/cosa/2026/1627s24.pdf

COLLATERAL ESTOPPEL – ADMINISTRATIVE COLLATERAL ESTOPPEL – REGULATORY SCHEME UNDER THE INSURANCE ARTICLE

INSURANCE CLAIMS-HANDLING – DENIAL NOT IN GOOD FAITH – LACK OF COVERAGE BARS LIABILITY

ADMINISTRATIVE LAW – JUDICIAL REVIEW – STRIKING CIVIL CLAIMS FROM PETITION FOR JUDICIAL REVIEW

Facts:

Justin Holder was sued by his neighbors in a land dispute. He submitted the claims for coverage and defense to Erie Insurance Exchange and Erie Insurance Company (collectively, "Erie") from whom he had purchased homeowner's insurance and an umbrella policy. Both policies excluded coverage for any injury expected or intended by the acts of the policyholder. The neighbors' lawsuit only alleged injuries from intentional acts. Erie denied the claims and declined to provide defense because they decided they didn't owe coverage.

Mr. Holder filed an administrative complaint with the Maryland Insurance Administration ("MIA") under Md. Code (1997, 2017 Repl. Vol.), § 27-303 of the Insurance Article ("IN"). After proceeding though the full administrative process, including a quasi-judicial hearing, the MIA found that Erie was not liable under IN § 27-303 because they were right: they didn't owe coverage. Mr. Holder did not appeal the final agency action of the MIA.

Instead, he filed a second administrative complaint under IN § 27-1001 for claims-handling "not in good faith." After administrative motions practice, the MIA summarily decided (the administrative equivalent of summary judgment) ultimately that Mr. Holder was collaterally estopped from relitigating whether Erie had a duty to defend against the neighbors' lawsuit, and that without owing coverage, Erie couldn't be liable under IN § 27-1001 either. Mr. Holder petitioned for judicial review of this decision in the Circuit Court for Washington County, which affirmed the MIA after an omnibus hearing.

Before the Circuit Court had a chance to hold a hearing on the petition, Mr. Holder sought to file an amended complaint that added civil claims under Md. Code (1974, 2020 Repl. Vol.), § 3-1701 of the Courts & Judicial Proceedings Article ("CJ") to his judicial review proceeding. After further motions practice, and oral argument at the omnibus hearing, the circuit court granted Erie's motion to strike the amended complaint because it was persuaded that it couldn't hold both judicial review and civil complaint proceedings in the same case under the Maryland Rules.

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Held: Affirmed.

The Appellate Court held that, under collateral estoppel, final conclusions of law or findings of fact made by an adjudicative body bind the parties to the proceeding in that or future proceedings. This goes the same for administrative quasi-judicial proceedings as it does for full judicial proceedings. A hearing under Md. Code (1997, 2017 Repl. Vol.), § 27-303 of the Insurance Article ("IN") can have collateral estoppel effects on later administrative or judicial proceedings, because the General Assembly did not abrogate the common law rule of collateral estoppel in relation to that section. The General Assembly has abrogated collateral estoppel effects arising from proceedings under IN § 27-1001, but not for other hearings under the Insurance Article.

The court also held that, under IN § 27-1001 and Md. Code (1974, 2020 Repl. Vol.), § 3-1701 of the Courts & Judicial Proceedings Article ("CJ"), an insurer can be liable to an insured if it makes a claims-handling decision "not in good faith." The decision to deny a claim because the claim is not covered cannot lack good faith.

Finally, the court held that it is not an abuse of discretion for a circuit court to strike an amended complaint that seeks to add civil claims to a petition for judicial review of agency action. The differences between the two types of proceedings, as established by the differing areas and requirements of the Maryland Rules, make keeping the two types of proceedings together in one case unduly burdensome. It is not an abuse of discretion for a circuit court to keep them separate.

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Edwina Reid, et al. v. Baltimore Ambulatory Center for Endoscopy, LLC, et al., No. 2349, September Term 2023, filed February 27, 2026. Opinion by Arthur, J.

https://www.mdcourts.gov/data/opinions/cosa/2026/2349s23.pdf

HEALTH CARE MALPRACTICE CLAIMS – EXPERT WITNESSES

Facts:

In October 2015, Carroll Reid, then 76 years old, underwent an upper endoscopy at an outpatient facility known as Baltimore Ambulatory Center for Endoscopy. A gastroenterologist performed the procedure under anesthesia administered by a nurse anesthetist. A licensed practical nurse monitored his recovery after the procedure.

While walking back to his car after discharge, Mr. Reid fell and injured his back. He died two weeks later from complications related to emergency spinal surgery.

Mr. Reid's surviving family members brought a medical malpractice action in the Circuit Court for Baltimore County. The Reid plaintiffs raised claims for negligence and wrongful death against the gastroenterologist, an LLC owned by the gastroenterologist, the nurse anesthetist, the licensed practical nurse, and the company that operates the facility.

The gastroenterologist and his LLC moved for summary judgment based on the expert qualification requirements of the Health Care Malpractice Claims Act. Under the Act, an expert may not opine that a defendant departed from an applicable standard of care unless the expert is board certified in the same specialty as the defendant or a related specialty. The circuit court granted the summary judgment motion, reasoning that the standard-of-care expert offered by the plaintiffs, a board-certified anesthesiologist, was unqualified to testify about the standard of care applicable to the board-certified gastroenterologist.

The case proceeded to trial on the claims against the remaining defendants. The jury found no violations of the standards of care by the licensed practical nurse or by the nurse anesthetist. The plaintiffs appealed.

Held: Affirmed in part, reversed in part

The Appellate Court of Maryland reversed the grant of summary judgment in favor of the defendant gastroenterologist. The Court upheld the verdicts in favor of the defendant nurse anesthetist and the defendant licensed practical nurse. The Court remanded the case for further proceedings to adjudicate the claims against the gastroenterologist, his LLC, and the company that operates the facility.

The Appellate Court held that the circuit court erred when it concluded that the Health Care Malpractice Claims Act prohibited the expert anesthesiologist from offering an opinion about the standard of care applicable to the defendant gastroenterologist. Under the Act, if a defendant is board certified in a specialty, an expert may not opine that the defendant departed from the standard of care unless the expert is board certified in the same specialty as the defendant or a "related specialty." Md. Code (1974, 2020 Repl. Vol.), § 3-2A-02(c)(2)(ii)1B of the Courts Article. Two specialties are "related" if the treatment or procedure at issue implicates an overlap between the specialties.

In this case, the plaintiffs offered expert testimony from a board-certified anesthesiologist, who opined that the defendant gastroenterologist violated the standard of care in the post-procedure discharge assessment of the patient. The record established that, in the procedure at issue, a gastroenterologist collaborates with an anesthesiologist (or anesthetist) and the two specialists share some common responsibility for post-procedure care. The expert asserted that the standard of care for the discharge assessment would be the same for either type of specialist. Under the circumstances, the expert testimony satisfied the "related specialty" requirement of the Act.

Although the Appellate Court determined that the circuit court erred in granting summary judgment in favor of the defendant gastroenterologist, the Court held that this error did not provide a basis to overturn the jury verdicts in favor of the defendant nurse anesthetist or the defendant licensed practical nurse. At trial, the jury found no violation of the applicable standards of care by those two defendants. The record established no substantial likelihood that the lack of evidence of negligence by the gastroenterologist affected the assessment of whether the other two defendants violated an applicable standard of care. Although the plaintiffs further contended that the court made other errors at trial, each of the challenged rulings pertained to issues unconnected to the questions of whether those two defendants violated the standards of care.

At a new trial of the claims against the gastroenterologist, his LLC, and the company that operates the facility, the defendants were not entitled to raise the defense of contributory negligence. Maryland courts have upheld the submission of the issue of contributory negligence to a jury in medical malpractice cases only where there is evidence that the patient did not follow, or unreasonably delayed in following, instructions from a treating health care provider. The defendants sought a contributory negligence instruction based on evidence indicating that the patient tripped on the edge of a sidewalk when he fell. Because there was no evidence that the patient failed to follow, or unreasonably delayed in following, any instructions from his health care providers, the evidence did not properly generate the affirmative defense of contributory negligence.

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Diana Oxley, et al. v. Frederick Memorial Hospital, et al., No. 1335, September Term 2024, filed February 2, 2026. Opinion by Zic, J.

https://www.mdcourts.gov/data/opinions/cosa/2026/1335s24.pdf

MEDICAL MALPRACTICE – ONE SATISFACTION RULE – APPLICATION TO SETTLEMENT FOR LATER-IN-TIME INJURY

ONE SATISFACTION RULE – TEMPORAL LIMITATION OF RELEASE – INJURIES SUSTAINED BEFORE RESOLVED CLAIM'S SUBJECT INCIDENT

ONE SATISFACTION RULE – REQUIREMENT TO COMPARE INJURIES ACROSS CLAIMS

Facts:

This appeal arises from a medical negligence case brought by Diana and Dennis Oxley (collectively, "Oxleys"), appellants, against Frederick Memorial Hospital and associated medical providers (collectively, "Appellees"). The alleged medical negligence occurred on July 19, 2017. While awaiting trial for the medical negligence case, on May 1, 2021, Mrs. Oxley sustained injuries in a motor vehicle accident. Mrs. Oxley separately brought a motor vehicle negligence case against her own insurance company and the underinsured driver of the other vehicle. Mrs. Oxley settled and released the motor vehicle negligence case on November 6, 2023, for $100,000 by executing a "Full and Final Release of All Claims" ("Release"). The Release was limited to "claims arising out of the accident that occurred on or about May 1, 2021. The motor vehicle negligence Release was unknown to the Oxleys' medical negligence counsel and Appellees' counsel until the end of the discovery period.

The circuit court continued the trial and ordered the parties to brief possible grounds for summary judgment following the revelation of the Release. After reviewing the record and hearing argument, the circuit court granted summary judgment in favor of Appellees. The court limited its ruling based on the one satisfaction rule. The Oxleys timely appealed.

Held: Reversed and remanded.

The Appellate Court of Maryland held that the one satisfaction rule does not bar an earlier-in-time tort action when a settlement for a later-in-time tort action is specifically limited to injuries arising from the later-in-time tort. Proper application of the one satisfaction rule requires the court to study and compare all injuries from both the settled claim and the unresolved claim. Because the motor vehicle negligence Release only contemplated injuries "resulting from" or "arising out of" the 2021 motor vehicle accident, the Release could not constitute a full satisfaction of damages claimed in the earlier medical negligence case. The circuit court erred

by considering only the medical records following the motor vehicle accident. Correct application necessitated study and comparison of medical records spanning from the date of the alleged medical negligence through the date of the motor vehicle accident. Thus, the court erred in granting summary judgment on the grounds of the one satisfaction rule.

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ATTORNEY DISCIPLINE

REINSTATEMENTS

By Order of the Supreme Court of Maryland

GREGORY WAYNE JONES

has been replaced on the register of attorneys permitted to practice law in this State as of February 5, 2026.

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JUDICIAL APPOINTMENTS

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On January 13, 2026, the Governor announced the elevation of the **HON. VICTOR M. DEL PINO** to the Circuit Court for Montgomery County. Judge Del Pino was sworn in on February 6, 2026, and fills the vacancy created by the retirement of the Hon. Harry C. Storm.

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On January 13, 2026, the Governor announced the appointment of **JOSEPH CORNELIUS RUDDY** to the Circuit Court for Prince George's County. Judge Ruddy was sworn in on February 9, 2026, and fills the vacancy created by the retirement of the Hon. Judy L. Woodall.

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RULES ORDERS

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A Rules Order pertaining the 227th Report of the Standing Committee on Rules of Practice and Procedure was filed on February 19, 2026.

http://www.mdcourts.gov/sites/default/files/rules/order/ro227th.pdf

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The full text of Appellate Court unreported opinions can be found online:

https://mdcourts.gov/appellate/unreportedopinions

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