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SUPREME COURT OF MARYLAND

Fort Detrick/Walter Reed Army Medical Center Housing LLC v. Robert Wynn, No. 28, September Term 2025, filed June 23, 2026. Opinion by Biran, J.

<https://www.mdcourts.gov/data/opinions/coa/2026/28a25.pdf>

UNITED STATES CONSTITUTION – ENCLAVE CLAUSE – ACCEPTANCE OF JURISDICTION BY THE UNITED STATES

REAL PROPERTY – SUMMARY EJECTMENT ACTION – PROOF OF EXEMPTION FROM LICENSURE

Facts:

Fort Detrick/Walter Reed Army Medical Center Housing LLC (the “Landlord”) owns and operates Glen Haven Apartments (“Glen Haven”), a multi-family housing complex in Wheaton, Maryland, located on land first acquired by the United States in 1941 via condemnation. Glen Haven was constructed in 2005 as part of the Military Housing Privatization Initiative (“MHPI”), 10 U.S.C. § 2871 et seq., which was enacted to facilitate affordable private housing for servicemembers. Robert Wynn entered a one-year lease for an apartment unit at Glen Haven that began on December 1, 2022. Mr. Wynn was a civilian tenant of Glen Haven.

On February 5, 2024, the Landlord filed a summary ejectment action in the District Court of Maryland sitting in Montgomery County after Mr. Wynn failed to pay rent that was due under his lease. Mr. Wynn moved to dismiss the case, based on the Landlord’s failure to obtain a rental license under Montgomery County’s licensure requirements. In response, the Landlord claimed that it is exempt from licensure because Glen Haven is located on land covered by Article I, Section 8, clause 17 of the United States Constitution, which is known as the Enclave Clause. That provision states that Congress has the power to exercise exclusive jurisdiction over all property purchased by the federal government, with the consent of the legislature of the state in which the property is located, for the purpose of erecting forts, magazines, arsenals, dockyards, and other “needful [b]uildings[.]” The Landlord asserted that, because Glen Haven constitutes a “needful” building located within a federal enclave, it is subject to the exclusive jurisdiction of Congress, and the County licensure regulations do not apply.

The District Court ruled that Glen Haven is exempt from licensure and entered an order of summary ejectment against Mr. Wynn. Mr. Wynn appealed to the Circuit Court for Montgomery

County, which reversed the judgment of the District Court. The circuit court concluded that Glen Haven is located within a federal enclave, but nevertheless ruled that the Landlord was required to obtain a license with respect to units the Landlord rents to civilians.

The parties filed cross-petitions for certiorari, and the Supreme Court of Maryland granted review to decide the following question:

Does the Enclave Clause of the United States Constitution preempt County licensure regulations applicable to: (a) the petitioner's entire apartment complex; or (b) if not, units rented to civilians?

Held: Affirmed.

In Maryland, a landlord that does not possess a required residential rental license may not file a summary ejectment action under Md. Code, Real Prop. ("RP") § 8-401 (1974, 2023 Repl. Vol.) seeking to evict a tenant. Under RP § 8-406, a landlord in a jurisdiction mandating licensure of residential rental property must demonstrate by a preponderance of the evidence at trial in a summary ejectment action that the property listed in the complaint is licensed, exempt from licensure, or unlicensed due to one of several enumerated reasons. The Landlord in this case claimed that it was exempt from Montgomery County's rental license regulations because the United States has exclusive jurisdiction over Glen Haven.

For the United States to obtain exclusive jurisdiction over property under the Enclave Clause, three things must occur: (1) the State must consent to the United States' acquisition of the property in question; (2) the State must cede its jurisdiction over the property to the United States; and (3) the United States must indicate its acceptance of the ceded jurisdiction. The Supreme Court of Maryland held that the United States' obtaining of legal title to the land on which Glen Haven is situated did not constitute indication of the United States' acceptance of jurisdiction over that land.

Thus, the Court held that the Landlord did not establish that the Enclave Clause preempts Montgomery County's licensure requirements as applied to Glen Haven's rental units. Because the Landlord failed to demonstrate by a preponderance of the evidence that it is exempt from licensure, the District Court should have entered judgment in favor of Mr. Wynn.

Davinder Singh v. State of Maryland, No. 36, September Term 2025, filed May 26, 2026. Opinion by Eaves, J.

<https://www.mdcourts.gov/data/opinions/coa/2026/36a25.pdf>

INVESTIGATIVE DETENTION – REASONABLENESS – NO DE FACTO ARREST

MD. CODE ANN., CTS. & JUD. PROC. § 10-303 – APPREHENDED

Facts:

Around 7:00 a.m. on November 8, 2022, Petitioner, Davinder Singh, was operating his motor vehicle and struck and killed Miguel Antonio Ortiz and Ana Margarita Ortiz. Gaithersburg Police Officer Cody Smorse was one of the first officers to arrive on the scene at approximately 7:24 a.m. Officer Smorse observed Mr. Singh standing next to his vehicle and noted that the vehicle’s windshield was caved in. After surrendering his driver’s license upon request from Officer Smorse, Mr. Singh asked if he was free to leave, and Officer Smorse informed Mr. Singh that he was not, given the nature of the accident. Throughout his interactions with Mr. Singh, Officer Smorse, who was trained in administering standard field sobriety tests (“SFSTs”), did not observe any indicia of intoxication on Mr. Singh’s part. Nevertheless, Officer Smorse believed that something seemed off about Mr. Singh and relayed as such to fellow officers. A second Gaithersburg Police Officer, Brooke Vanderford, escorted Mr. Singh to her patrol car so that Mr. Singh did not have to watch ongoing attempts to provide life-saving treatment to the Ortizes. Mr. Singh remained in Officer Vanderford’s cruiser for a little over an hour, until approximately 8:51 a.m. During the time that Officer Vanderford was in the police cruiser with Mr. Singh, she noticed an odor that she could not quite place; although, she did not believe the odor to be alcohol. At no point during his interaction with law enforcement was Mr. Singh subject to a show of police force or formally arrested.

As the events above transpired, an investigation into the accident ensued. Notably, around 7:30 a.m., the captain of the traffic division called to the scene Detective Corporal Alexa Briscoe. Based on information she received while en route to the scene, Det. Cpl. Briscoe requested a Drug Recognition Expert (“DRE”) to evaluate Mr. Singh, as Montgomery County Police Department policy required that DREs carry out SFSTs and other evaluations for any fatal collisions involving suspected drug or alcohol use. As she responded to the scene, Det. Cpl. Briscoe received information that Mr. Singh exhibited unusual behavior, but that the responding officers could not say whether this behavior was the result of alcohol consumption, drug use, a combination of alcohol and drugs, or mental illness. Thus, Det. Cpl. Briscoe requested a DRE because they have the most advanced training in these situations. Det. Cpl. Briscoe arrived at the scene around 8:12 a.m. Upon arriving, she had a brief encounter with Mr. Singh where she asked Mr. Singh if he was okay to remain in the cruiser for a little while longer, to which Mr. Singh answered in the affirmative.

Officer Kimberly Curry, a trained DRE with the Montgomery County Police Department, first made contact with Mr. Singh at 8:51 a.m., having arrived on scene shortly beforehand. Officer Curry opened the door of the police cruiser where Mr. Singh was waiting and immediately smelled an odor she identified as alcohol. Officer Curry requested that Mr. Singh step out of the vehicle to perform various SFSTs. Because Mr. Singh's performance for almost all tests indicated signs of impairment, Officer Curry formally arrested Mr. Singh at 9:13 a.m. because she believed that he was under the influence of alcohol and, potentially, a controlled substance.

Law enforcement then transported Mr. Singh to a nearby police station, where a breath test occurred at 10:15 a.m., approximately three hours after the accident. Mr. Singh's alcohol concentration at that point was 0.24. Mr. Singh eventually was charged with a ten-count indictment relating to that incident.

In the Circuit Court for Montgomery County, Mr. Singh filed two separate motions to suppress certain evidence. The first was filed under the Fourth Amendment, arguing that his investigative detention exceeded the bounds of reasonableness, transforming his detention to an arrest unsupported by probable cause. The second was under § 10-303(a)(2) of the Courts and Judicial Proceedings ("CJP") Article of the Maryland Annotated Code, which requires that a specimen of breath for the purpose of determining alcohol concentration be taken within two hours after an individual is apprehended. The circuit court denied both motions. Mr. Singh subsequently pleaded not guilty to an agreed-upon statement of facts and was convicted on all ten counts.

The Appellate Court of Maryland affirmed the trial court's denial as to each motion to suppress, affirming Mr. Palmer's convictions. *Singh v. State*, No. 2430, 2025 WL 1732804, at *1 (Md. App. Ct. June 23, 2025). The Supreme Court of Maryland subsequently granted a writ of certiorari on September 19, 2025. *Singh v. State*, 492 Md. 413 (2025).

Held: Affirmed.

The Supreme Court of Maryland held that Mr. Singh's detention in the patrol car did not per se transform a lawful investigatory detention into a de facto arrest. Under the totality of the circumstances, the Supreme Court held that Mr. Singh's investigative detention was reasonable. Law enforcement did not use any show of force in detaining Mr. Singh and the overall length of his detention, slightly more than one hour, was reasonable, given that law enforcement needed to investigate a fatal accident that Mr. Singh was believed to have caused.

Additionally, the Supreme Court of Maryland reaffirmed its holding in *Willis v. State*, 302 Md. 363, 376 (1985), which held that, under CJP § 10-303(a)(2), an apprehension occurs when law enforcement (1) "has reasonable grounds to believe that the person is or has been driving a motor vehicle while intoxicated or while under the influence of alcohol" and (2) "reasonably acts upon that information by stopping or detaining the person." Here, the Supreme Court of Maryland held that law enforcement complied with CJP § 10-303(a)(2). Although law enforcement detained Mr. Singh at 7:30 a.m., law enforcement did not "apprehend" him under CJP § 10-303(a)(2) until

8:51 a.m. because that is the first time that any member of law enforcement had reasonable grounds to believe that Mr. Singh operated a motor vehicle under the influence of alcohol and subsequently acted on those reasonable grounds. Because Mr. Singh's breath test was conducted at 10:15 a.m., it occurred within CJP § 10-303(a)(2)'s two-hour window, and the results of that test were admissible.

Adam James Jun v. State of Maryland, No. 29, September Term 2025, filed June 22, 2026. Opinion by Gould, J.

Watts, J., dissents.

<https://www.mdcourts.gov/data/opinions/coa/2026/29a25.pdf>

EVIDENCE – EXPERT TESTIMONY

EXPERT TESTIMONY – HARMLESS ERROR

Facts:

The State charged Adam James Jun with ten counts of distributing a visual representation of a minor engaged in sexual conduct and ten counts of the lesser-included offense of possessing such material. See MD. CODE ANN., CRIM. LAW (“CL”) §§ 11-207(a)(4), 11-208 (2021 Repl. Vol.). During a four-day bench trial in the Circuit Court for Anne Arundel County, the State’s primary witness was a detective from the Anne Arundel County Police Department, an officer assigned to the Child Abuse/Internet Crimes Against Children Unit and the lead detective in investigating the matter. The State staked its case against Mr. Jun on certified records from Verizon and from the social media platform Kik, both of which were introduced through and explained by the detective.

At trial, the detective broke this information down. He explained that an IP address is an “assigned Internet protocol address that you get from [an] Internet service provider so that you could access the Internet” and that, during an investigation, an investigator can subpoena records from the internet service provider to determine the subscriber and physical address associated with a particular IP address. He confirmed that the Verizon record reflected that the 220 IP address was assigned to Mr. Jun at his home in Linthicum Heights.

The detective then walked through the Kik records. He described ten image and video files produced by Kik that he identified as child sexual abuse material. He testified as to each of the files in turn, identifying the file name and the depicted content. Next, he turned to the Kik chat logs, which were the heart of the State’s case. Using the legend, the detective essentially read the entries from left to right, explaining that the logs identified the sending account, the receiving account, the file transmitted, the IP address from which it was sent, and the date and time of transmission. Cross-referencing the file names in the logs against the file names that he had previously identified as associated with child sexual abuse material, the detective testified that the “aj1848884” account had received ten such files and that Mr. Jun had sent those files to other Kik users on more than ten occasions, in each case but two from the 220 IP address. Mr. Jun objected to the detective’s testimony both before and during trial, arguing that the interpretation of the Verizon and Kik records required “significant inferential leaps” made possible only with the assistance of an expert qualified under Rule 5-702.

The trial court overruled Mr. Jun’s objections. The court found that the concepts discussed in the testimony were within “common knowledge of society,” analogizing them to the inbox and outbox of an email account. Mr. Jun was convicted of eight counts of distributing a visual representation of a minor engaged in sexual conduct and eight counts of possessing a visual representation of a minor engaged in sexual conduct.

The Appellate Court of Maryland affirmed in a reported opinion. *Jun v. State*, 265 Md. App. 459 (2025). Relying on *State v. Galicia*, 479 Md. 341 (2022), *Johnson v. State*, 457 Md. 513 (2018), and *Freeman v. State*, 487 Md. 420 (2024), the court concluded that the Verizon and Kik records, read alongside the Kik legend, were within the range of perception and understanding of an average layperson, and that the detective’s testimony amounted to a recitation of those records rather than an expert interpretation of them. *Jun*, 265 Md. App. at 478-79.

The Supreme Court of Maryland granted Mr. Jun’s petition for a writ of certiorari on one of the two questions he presented. *Jun v. State*, 492 Md. 382 (2025). That question, as Mr. Jun framed it, is whether the trial court erred by allowing “a lay witness, instead of a properly qualified expert, to testify about the nature and evidentiary significance of IP addresses and business records from the social media application ‘Kik’[.]”

Held: Affirmed.

The Supreme Court of Maryland determined that a lay witness may recite the contents of a business record—and may draw on his familiarity with the kind of record at issue to do so efficiently—so long as the inference the testimony is offered to support is one an average layperson could draw from the record itself. When, instead, the witness must apply specialized methodology to translate, reformat, or interpret records that are not otherwise decipherable by a layperson, the witness must be qualified as an expert.

The Supreme Court of Maryland further held that it is not “beyond the ‘ken’ of the average layman” that accessing the internet requires service from an internet service provider, that the service provider knows which subscriber is using its service at any given time, and that the subscriber’s account is tied to a physical address (the point where a user accesses the internet). The proposition that the internet runs through service providers that know the identities and locations of their subscribers is “common knowledge in modern society” and within the “range of perception and understanding” of the average layperson.

The Supreme Court of Maryland held that expert testimony was not needed for a witness to read social media platform records that were understandable by reference to a legend produced with them. The inference that the records were intended to elicit was within ordinary perception.

The Supreme Court of Maryland held that testimony that an investigator gave to explain whether an IP address was “static” or “dynamic” drew on his “training, knowledge, and experience” and was expert testimony because those propositions were not within the ken of an average juror, but instead required an explanation from someone with specialized training or experience.

Nonetheless, the Supreme Court of Maryland concluded that the admission of such testimony was harmless error because the State had demonstrated beyond a reasonable doubt that the error did not influence the verdict.

State of Maryland v. William Thornton and James Dunbar, No. 46, September Term 2025, filed June 26, 2026. Opinion by Killough, J.

Fader, C.J., Booth and Biran, JJ., concur and dissent.

<https://www.mdcourts.gov/data/opinions/coa/2026/46a25.pdf>

CRIMINAL LAW – PLAIN ERROR REVIEW – SIXTH AMENDMENT – RIGHT TO A PUBLIC TRIAL

Facts:

This case arises out of the fatal 2019 shooting of Donnell Brockington in Baltimore County, Maryland, involving Respondent William Thornton, Respondent James Dunbar, and four other individuals. Surveillance video captured six men, including Respondents, approaching the victim with a gun before attempting to flee in a vehicle. Police subsequently pursued a vehicle with about six people inside, and after the vehicle crashed, recovered five firearms total from it including a Desert Eagle 9mm pistol. DNA evidence linked both Respondents and two additional defendants to the weapons.

At trial, the State’s firearms examiner delivered an unqualified opinion that two cartridge casings, one bullet, and two bullet fragments recovered from the murder scene and from the victim’s body “were fired with” the Desert Eagle. Three additional incidents took place during trial. First, someone in the courtroom took cell phone photographs of ongoing court proceedings and posted them on Instagram with the hashtag “free dem boys.” The State represented that there was a direct connection between the person who took the photograph and posted it and at least one of the defendants. The judge issued a warning. Then, on the eleventh day of trial, the court was informed of “a disturbance . . . amongst the families” and an incident where two individuals approached two spectators who were watching the trial. The third and most serious incident took place on the twelfth day of trial. One of the defendant’s fathers approached Juror 11 in a hallway in the courthouse and greeted him. Juror 11 had noticed the man earlier in the day and recognized him then as a childhood friend. Juror 12, who witnessed the interaction the defendant’s father and Juror 11, stated that he heard the father say, “I’m tired of this shit or something like that” and saw him shake Juror 11’s hands.

After learning about the third incident, the court individually voir dired each of the twelve jurors at the bench about the incident. Each juror confirmed that he or she could remain fair and impartial. Nonetheless, the court expressed concern about the integrity of the judicial proceeding and jurors’ ability to deliberate freely following these three escalating incidents. The court contemplated excluding only the individual who approached Juror 11 but rejected that option in light of the prior failures of warnings to prevent recurrence. It initially planned to take the verdict one defendant at a time, which would have allowed more family members in the courtroom for each individual verdict but rejected that option after consulting courtroom security

personnel. The court adopted the compromise of full closure for deliberations, during which the court gave the jury an Allen-type charge, and partial reopening for the verdict. All four defendants objected to the closure. After hearing argument, the court denied the defendants' motion for mistrial and adhered to its decision to close the courtroom.

On December 6, 2022, the jury convicted Thornton of first-degree murder, use of a handgun in the commission of a crime of violence, transporting a handgun in a vehicle, possession of an assault pistol, possession of a handgun with a disqualifying conviction, conspiracy to commit murder, and conspiracy to use a handgun in a crime of violence. The jury convicted Dunbar of possessing an assault pistol, possessing a handgun with a disqualifying conviction, and conspiracy to use a handgun in a crime of violence. The jury was unable to reach a verdict on Dunbar's charges for second-degree murder and use of a handgun in the commission of a crime of violence. The State subsequently nol prossed those charges. Thornton was sentenced to an aggregate term of life in prison plus eighteen years. Dunbar was sentenced to an aggregate term of twenty years' imprisonment. Thornton and Dunbar appealed the verdict.

On June 20, 2023, during the pendency of the Respondents' appeal, this Court issued its decision in *Abruquah v. State*, 483 Md. 637 (2023). Nine months after the verdict, at the hearing on his motion for a new trial on October 12, 2023, Thornton's counsel raised *Abruquah* orally for the first time. Counsel argued that the firearms examiner's testimony tying ammunition evidence to the Desert Eagle as "an exact match" had been "placed in question by our highest Court." The trial court denied the motion. The court stated that "Counsel is correct regarding his statement of the case law regarding the ballistics evidence." At the same time, the court found that *Abruquah* "had not yet been settled" at the time of trial, that the examiner's testimony could not be considered not qualified, and that the jury could have relied on the DNA evidence linking Thornton to the firearm. Thornton was then sentenced.

On appeal, Respondents and co-defendant Jerry collectively raised six claims of error. Both Respondents conceded that the *Abruquah* issue had not been preserved at trial. Both asked the Appellate Court to review the issue for plain error. On the public trial issue, Thornton separately claimed that the closures violated his Sixth Amendment rights

On July 21, 2025, the Appellate Court affirmed on five of the six claims, including Thornton's public trial claim. With respect to the public trial issue, the Appellate Court applied the three-factor framework from *Kelly v. State*, 195 Md. App. 403 (2010), and concluded that both the deliberations closure and the partial verdict closure were de minimis. The Appellate Court granted plain error review and reversed the convictions of Thornton and Dunbar on the firearms identification issue. The court held that the examiner's testimony "was exactly the kind of testimony that *Abruquah* prohibits." The court remanded for a new trial. This Court granted the State a writ of certiorari to consider whether the Appellate Court erred in applying plain-error review. This Court also granted Thornton's cross-petition to consider whether the closure violated his right to a public trial under the Sixth Amendment.

Held: Reversed in part, affirmed in part.

The Supreme Court of Maryland held that the Appellate Court of Maryland erred in reversing Respondents convictions under plain-error review because the law governing the admission of unqualified toolmark and firearms identification testimony was not “clear or obvious” error at either the time of trial or the time of appeal. This finding is dispositive under plain-error review. *Abruquah v. State*, 483 Md. 637 (2023), is a case-specific *Daubert* determination limited to record before this Court in that case, not a per se prohibition on unqualified firearms identification testimony. This Court further held that the State did not bear the burden of initiating its own *Daubert* hearing in the absence of any challenge by the defense and that Thornton is not entitled to de novo review of the firearms identification issue, having failed to timely raise it in writing before the trial court and having failed to argue it before the Appellate Court.

On the public trial issue, the Supreme Court of Maryland held that the Appellate Court of Maryland did not violate Respondent’s Sixth Amendment right to a public trial by closing the courtroom during jury deliberations and partially closing it during the return of the verdict. This Court determined that, while the courtroom closures were not de minimis under the framework set forth in *Kelly v. State*, 195 Md. App. 403 (2010), a framework this Court now adopts, the closures were ultimately justified under *Waller v. Georgia*, 467 U.S. 39 (1984). Here, all four *Waller* conditions were met. The trial court advanced an overriding interest in juror safety and the integrity of deliberations, supported by adequate findings on the record regarding three escalating incidents of spectator misconduct, including direct contact between a co-defendant’s father and a sitting juror. The court also considered reasonable alternatives, and its response was no broader than necessary.

For the foregoing reasons, the Court held that *Abruquah v. State*, 483 Md. 637 (2023), is a case-specific *Daubert* determination limited to the record in that case. As such, the law governing the admission of unqualified toolmark and firearms identification testimony was not “clear or obvious” error at either the time of trial or the time of appeal and therefore does not entitle Respondents plain-error review on the firearms identification issue. Additionally, this Court adopted the framework outlined in *Kelly v. State*, 195 Md. App. 403 (2010), for determining whether a courtroom closure is de minimis and therefore does not implicate the right to a public trial under the Sixth Amendment. Closures that are not de minimis may nonetheless be justified under the *Waller v. Georgia* four-part test. 467 U.S. 39, 48 (1984). Though the closures in this case were not de minimis under *Kelly*, the trial court met the four *Waller* conditions.

In Re: K.B., No. 52, September Term 2025, filed June 22, 2026. Opinion by Watts, J.

<https://mdcourts.gov/data/opinions/coa/2026/52a25.pdf>

CHILD IN NEED OF ASSISTANCE (CINA) – PERMANENCY PLAN – INITIAL REVIEW HEARING

Facts:

The Baltimore County Department of Social Services (“the Department”), Petitioner, initiated an action in the Circuit Court for Baltimore County, sitting as a juvenile court (“the juvenile court” or “the court”), seeking to have an infant, K.B., declared a CINA. In the petition, the Department alleged that K.B. was a child in need of assistance (a CINA) because K.B. had been abused and neglected by her mother, H.B. (“Mother”). The Department described an incident in which a Baltimore Police Department (BPD) officer observed Mother engaging in abusive behavior with respect to K.B. on a public street, and intervened and arrested Mother. The Department stated that K.B. had been “sheltered to the Department of Social Services due to concerns of physical abuse/neglect[,]” and that Mother had been the subject of an emergency mental health petition, after expressing suicidal ideations. According to the Department, Mother acknowledged having several mental health diagnoses.

The Department alleged that Mother has an “extensive child welfare history across several states including Maryland” and that her parental rights had been “terminated for multiple children due to concerns related to her mental health.” The Department informed that Mother refused to provide the name of K.B.’s father and stated that she did not have any family. The Department advised that continuation of K.B. in Mother’s home was contrary to the child’s welfare.

At an adjudication/disposition hearing, the juvenile court sustained the allegations in an amended petition, with Mother’s agreement. The juvenile court declared K.B. a CINA, determined that it was not possible to return K.B. to Mother, and issued an order committing K.B. to the custody of the Department. Despite Mother having a history of prior involuntary termination of her parental rights with respect to other children, the juvenile court did not make a finding, under Md. Code Ann., Cts. & Jud. Proc. (1974, 2020 Repl. Vol.) (“CJ”) § 3-812(b), that the local department was not required to provide reunification services because the case involved circumstances such as chronic abuse or prior involuntary termination of parental rights. As required by CJ § 3-819(f)(2), the adjudication/disposition order stated “that the permanency plan of reunification may be changed to another permanency plan, which may include the filing of a petition for termination of parental rights[,]” under specified circumstances. The juvenile court scheduled an initial review hearing for January 17, 2025, and the permanency plan hearing for June 16, 2025. After the adjudication/disposition hearing, the Department began providing reunification services to Mother.

At the initial review hearing, the Department recommended that K.B.'s permanency plan be changed from the sole plan of reunification with a parent to a concurrent plan of reunification and adoption by a relative or non-relative, and a magistrate adopted the recommendation. Mother filed exceptions to the magistrate's recommendation. The juvenile court overruled the exceptions and signed an order purporting to change the permanency plan from reunification to a concurrent plan of reunification and adoption by a non-relative.

Mother noted a timely appeal. The Appellate Court of Maryland held that the juvenile court established a permanency plan before it should have and reversed the judgment of the juvenile court and remanded the case to that court for further proceedings. *See In re K.B.*, No. 295, Sep. Term, 2025, 2025 WL 2717343, at *1, *6 (Md. App. Ct. Sep. 24, 2025). The Department filed a petition for a writ of *certiorari*, which the Supreme Court of Maryland granted as to a rephrased question. *See In re K.B.*, 492 Md. 699, 348 A.3d 888 (2025).

Held: Affirmed.

The Supreme Court of Maryland held that the permanency plan of reunification that is established after a disposition in which a child is declared a CINA and removed from the child's home is not a permanency plan determined under CJ § 3-823 and that a child must be provided a hearing in which a permanency plan is determined pursuant to the requirements of CJ § 3-823 and Md. Code Ann., Fam. Law (1984, 2019 Repl. Vol.) ("FL") § 5-525, within 11 months after a child committed under CJ § 3-819 enters an out-of-home placement. Additionally, all parties are entitled to reasonable notice, prior to a hearing at which a permanency plan will be determined or reviewed, of the date and time of the hearing and that, at the hearing, the permanency plan may be determined or changed, not simply notice after disposition that the permanency plan of reunification may be changed to a different plan at some future point in time. None of the above happened in the case.

The Supreme Court of Maryland concluded that the juvenile court erred in finding that K.B.'s permanency plan had been determined at disposition and that, in purporting to change the plan at the initial review hearing, the court did not consider the factors that a court is required to consider under both CJ § 3-823 and FL § 5-525(f)(1) in determining a permanency plan. The record demonstrated that at the *de novo* hearing on Mother's exceptions, in ordering that K.B.'s permanency plan be changed, the court did not consider the factors set forth in FL § 5-525(f)(1). The juvenile court specifically announced that the basis for its ruling changing K.B.'s permanency plan was CJ § 3-816.2 and discussed the factors set forth in CJ § 3-816.2 that it considered in reaching its decision.

The Supreme Court of Maryland concluded that the manner in which the court purported to "change" the permanency plan appeared to run afoul of its case law and CJ § 3-823(g). The juvenile court neither ordered the Department to file for guardianship nor scheduled a TPR hearing, in place of a 6-month review hearing. Rather, the court scheduled the next review hearing for less than a month after the exceptions hearing, stating that, at that time, the court

would see whether Mother's compliance "should equate or equal to different terms of visitation" and that the permanency plan hearing was scheduled for several months later. That the juvenile court did not follow the mandate of CJ § 3-823(g), after ordering that the permanency plan be a concurrent plan including adoption, suggested that the court did not appreciate the significance of changing the plan to a concurrent plan of reunification and adoption, and that the court failed to carefully scrutinize the effect and goal of the concurrent plan.

The Supreme Court of Maryland held that CJ § 3-823(c) requires that notice of a permanency plan hearing be given. The Supreme Court concluded that the juvenile court may not, without notice, conduct a permanency plan hearing under CJ § 3-823 in place of a status/initial review under CJ § 3-816.2. Determining a permanency plan for a child who has been committed to an out-of-home placement is critical to a child's long-term well-being. The permanency plan defines the intended permanent placement of the child and must be in the child's best interests. This Court has held that, given the significance of a permanency plan, an order changing a permanency plan for a child adjudicated a CINA from reunification to a plan of adoption or foster care is immediately appealable. It would defy common sense to conclude that a hearing this significant, the outcome of which is immediately appealable, may be held without the parties being given notice of the purpose of the hearing.

In re: Scarlett B. Bowman, Misc. No. 26, September Term 2025, filed June 23, 2026. Opinion by Fader, C.J.

<https://www.mdcourts.gov/data/opinions/coa/2026/26a25m.pdf>

MORTGAGE LOANS – MARYLAND MORTGAGE LENDER LAW – LICENSING REQUIREMENTS – MORTGAGE LENDERS

MORTGAGE LOANS – MARYLAND MORTGAGE LENDER LAW – LICENSING REQUIREMENTS – PASSIVE TRUSTS

Facts:

Scarlett B. Bowman filed for bankruptcy in the United States Bankruptcy Court for the District of Maryland. One of her assets was a piece of residential real property subject to a note and deed of trust held by a passive real estate trust (“Towd”). Towd filed a proof of claim asserting the right to collect interest and fees on Ms. Bowman’s mortgage loan, in addition to the principal amount of the loan. Ms. Bowman argued that the passive trust forfeited the right to collect interest and fees on the loan because it was not properly licensed under the Maryland Mortgage Lender Law. Towd argued that it was not subject to the licensure requirements. The Bankruptcy Court certified questions to this Court to resolve the questions of first impression under Maryland law raised by the parties’ arguments.

In *Estate of Brown v. Ward*, 261 Md. App. 385 (2024), the Appellate Court of Maryland held that passive trusts holding mortgage loans must obtain licensure under a separate statutory scheme (i.e., not the Mortgage Lender Law). In response, the Maryland Office of Financial Regulation issued guidance stating that the reasoning in *Brown* applied to all mortgage loans, not just those governed by the statutory scheme at issue in *Brown*. Reacting to that guidance, the General Assembly enacted the Maryland Secondary Market Stability Act of 2025 to clarify that passive trusts holding mortgage loans are exempt from licensure requirements under the Mortgage Lender Law.

The central issue before the Court was whether passive trusts holding mortgage loans were required to obtain a license under the Mortgage Lender Law before the effective date of the Secondary Market Stability Act.

Held:

First, the Court held that the Appellate Court’s decision in *Brown* did not alter the licensure requirement imposed by the Mortgage Lender Law because *Brown* contemplated a different statutory scheme. The Mortgage Lender Law, which applies to mortgage lenders, is fundamentally distinct from the statutory scheme discussed in *Brown*, which applies to credit

grantors. Therefore, *Brown* did not require passive trusts to be licensed under the Mortgage Lender Law.

Second, the Court held that the Mortgage Lender Law did not require passive trusts to obtain a license before (or after) the effective date of the Secondary Market Stability Act. The Court determined that the plain language of the Mortgage Lender Law requires a license only for mortgage lenders, and the Law's definition of "mortgage lender" did not apply to passive trusts to which a mortgage loan was assigned, such as Towd.

William L. Hallam v. New Life Evangelical Baptist Church, Inc., et al., No. 15, September Term 2025, filed June 22, 2026. Opinion by Biran, J.

Watts, Eaves, and Killough, JJ., dissent.

<https://www.courts.state.md.us/data/opinions/coa/2026/15a25.pdf>

MARYLAND RULES 14-211 AND 14-305 – FORECLOSURE – POST-SALE EXCEPTIONS

MARYLAND RULE 14-211 – BORROWER’S OPTIONS UPON FAILURE TO COMPLY WITH A CONDITION OF AN ORDER STAYING A FORECLOSURE SALE

Facts:

New Life Evangelical Baptist Church, Inc. (“New Life”) executed notes related to funds it borrowed, secured by deeds of trust on its real property. In 2000, Kevin Pfeffer purchased the notes and deeds of trust, making him holder of the liens on New Life’s parcels of real property located in Baltimore City (the “Property”). Following this, Reverend Milton Williams, on behalf of New Life, executed a new note with Mr. Pfeffer, consolidating the original notes into a single note. Under this new note (the “Mortgage Debt”), New Life agreed to pay Mr. Pfeffer a monthly payment of principal and interest for 30 years, secured by a deed of trust on the Property.

On December 31, 2000, Mr. Pfeffer sent Rev. Williams a letter stating he had forgiven the Mortgage Debt. However, the parties dispute what happened next. According to Mr. Pfeffer, he and Rev. Williams decided that it would be advantageous to New Life for the Mortgage Debt not to be forgiven. Rev. Williams asserted that he and Mr. Pfeffer agreed that the Mortgage Debt would remain visible to third parties, but that he and Mr. Pfeffer agreed and understood that Mr. Pfeffer in fact had forgiven the Mortgage Debt and would not seek to collect on it.

New Life subsequently sold its interest in the Property to Turning Point, a substance abuse rehabilitation facility that Rev. Williams operated at the Property. In 2019, New Life, Turning Point, Mr. Pfeffer, and a corporation Mr. Pfeffer controlled executed an agreement in which Mr. Pfeffer agreed to sell the Mortgage Debt to Turning Point in exchange for Turning Point paying Mr. Pfeffer \$25,000 monthly payments from January 1, 2019 through January 1, 2050. After making such payments to Mr. Pfeffer for more than three years, Turning Point ceased doing so, leading Mr. Pfeffer to deem Turning Point in default under the 2019 agreement. As a result, Mr. Pfeffer directed a substitute trustee to seek foreclosure of the Property.

The trustee filed an Order to Docket a foreclosure in the Circuit Court for Baltimore City, listing New Life and Turning Point as defendants. The trustee scheduled a foreclosure sale for January 11, 2023. In response, New Life and Turning Point (collectively, “Respondents”) filed a petition that the court construed as a Maryland Rule 14-211(a) motion to stay and dismiss the

foreclosure. In this motion, Respondents claimed that Mr. Pfeffer had no authority to foreclose because he had forgiven the Mortgage Debt.

At a January 10, 2023, hearing, the circuit court concluded that Respondents had asserted a prima facie defense on the merits. Because the court could not hold a hearing on the merits prior to the January 11 foreclosure sale date, the court granted a temporary stay of the sale subject to two conditions that Respondents had to meet by January 24: (1) proof of \$1.25 million in property insurance coverage; and (2) a \$15,000 bond. The temporary stay order also stated that failure to comply with the conditions would result in dissolution of the stay without further order of the court. The court then set a merits hearing for April 17 and 18, 2023.

On January 24, Respondents filed a Motion to Extend Time to Comply with Conditions, requesting seven additional days to secure property insurance. The trustee opposed the motion, and the court denied the extension. The stay dissolved without further order of the court, and the trustee rescheduled the foreclosure sale for March 1. Respondents did not file an interlocutory appeal of the court's denial of their motion to extend the time to satisfy the insurance condition. In addition, although Respondents allegedly obtained the required property insurance approximately two weeks after the January 24 deadline, they did not ask the court to reschedule the merits hearing for a date before the new sale date, nor did they move to reinstate the stay. The sale went forward on March 1, with Mr. Pfeffer purchasing the property.

Following the sale, Respondents filed exceptions, repeating their pre-sale claims about the invalidity of Mr. Pfeffer's lien. The court issued an order overruling these exceptions, stating they could not be raised post-sale. Respondents filed a motion for reconsideration of this order, asserting for the first time that Mr. Pfeffer never loaned any funds to New Life in connection with the consolidation of the notes in 2000. In this motion, Respondents also characterized Mr. Pfeffer's actions, for the first time, as fraudulent. In an exceptions hearing, the court found irrelevant the allegation that Mr. Pfeffer did not loan any funds to New Life in 2000. Additionally, the court concluded that the claim regarding the invalidity of Mr. Pfeffer's lien was not properly raised as a post-sale exception. The court ratified the sale.

On appeal, the Appellate Court of Maryland reversed and remanded for the circuit court to hold an evidentiary hearing regarding Respondents' fraud allegations. The majority noted that generally borrowers must assert all known and ripe defenses to foreclosure pre-sale, but that this Court left open whether a borrower could raise for the first time post-sale a defense that the deed was the product of fraud. The majority determined that three factors present here warranted allowing Respondents to raise fraud for the first time post-sale: (1) they raised and preserved a defense sounding in fraud pre-sale; (2) the foreclosure purchaser was the lender; and (3) the alleged fraud would invalidate the mortgage. The majority also proposed, as an alternative theory, that Respondents' pre-sale challenge remained open notwithstanding the sale because the circuit court did not resolve it on the merits. The court declined to rule on another issue regarding whether the purchase price shocked the conscience.

The trustee petitioned this Court for review, which granted certiorari on two questions:

1. Did the Appellate Court of Maryland err in holding that Respondents were able to raise their claim of fraud in post-sale exceptions filed pursuant to Maryland Rule 14-305(e)?
2. Did the Appellate Court of Maryland err in holding that Respondents had preserved their right to raise their claim of fraud post-sale where they had failed to perfect their right to litigate the same fraud claim pre-sale?

Held: Reversed.

The Supreme Court of Maryland held that a borrower must raise a fraud defense pre-sale via a Rule 14-211 motion if the borrower was on notice of facts suggesting such fraud pre-sale. Before the sale, Rule 14-211 allows a borrower to file a motion to stay and dismiss a foreclosure sale and plead a defense to the validity of the lien or the plaintiff's right to foreclose. If the motion states a defense on its face, the court may grant a temporary stay, subject to reasonable conditions, including that the property is covered by adequate insurance. If, after a hearing, the court determines that the lien is invalid or that the plaintiff does not have the right to foreclose, the court may dismiss the foreclosure action.

However, once the sale occurs, Rule 14-305 governs until ratification. After a sale, Rule 14-305(e) permits parties to file "exceptions to the sale" that "set forth the alleged irregularity with particularity[.]" In general, these post-sale exceptions may only concern the propriety of the sale. Per Rule 14-305(f), a court must ratify the sale if, upon considering any exceptions filed, the court is satisfied that "the sale was fairly and properly made[.]"

Fraud claims relate to the validity of the lien or the lienholder's right to foreclose, not the propriety of the sale. If the borrower was on notice of the facts giving rise to the fraud claim pre-sale, the borrower may not raise as a post-sale exception a fraud claim that the borrower reasonably could have included in a Rule 14-211 motion.

The Court determined that, contrary to the Appellate Court's analysis, the foreclosure sale purchaser's identity does not impact whether fraud can be raised post-sale. Furthermore, the Court concluded that it is irrelevant whether a borrower initially raised fraud pre-sale; as long as the borrower had notice of fraud pre-sale, the borrower cannot raise fraud post-sale.

Applying these conclusions to the present matter, the Court determined that Respondents could not restate their pre-sale claims sounding in fraud post-sale. The Court stated that because they failed to take action to preserve a pre-sale merits hearing, Respondents lost the opportunity to litigate their pre-sale fraud claims once the sale occurred. Additionally, the Court concluded that Respondents could not raise alleged fraud in the 2000 consolidation transaction for the first time post-sale because they were on notice of that alleged fraud pre-sale.

Kapneck 14-16, LLC v. Bkeezzy's Speakeasy, LLC, No. 33, September Term 2025, filed April 29, 2026. Opinion by Gould, J.

Watts, Eaves, and Killough, JJ., concur and dissent.

<https://www.mdcourts.gov/data/opinions/coa/2026/33a25.pdf>

LANDLORD – TENANT LAW – SUMMARY EJECTMENT UNDER REAL PROPERTY § 8-401 – ENFORCEABILITY OF WAIVER OF RIGHT OF REDEMPTION IN NONRESIDENTIAL LEASES

LANDLORD-TENANT LAW – SUMMARY EJECTMENT UNDER REAL PROPERTY § 8-401 – TENANT’S RIGHT TO NOTICE

Facts:

Kapneck 14-16, LLC (“Landlord”) rented commercial space at 14 N. Market Street, Frederick, Maryland (“Premises”) to Bkeezzy’s Speakeasy, LLC (“Tenant”), under an Agreement of Lease (“Lease”), dated February 28, 2023. Pursuant to the Lease, in addition to “Base Monthly Rent,” Tenant was required to pay for utilities, water and sewer services, real estate taxes, late fees, and “all out of pocket expenses associated with Tenant’s default under this Lease including[]” attorneys’ fees, all of which the Lease defined as “Additional Rent.”

Landlord filed a complaint under Section 8-401 of the Real Property Article of the Maryland Annotated Code, MD. CODE ANN., REAL PROPERTY (“RP”) (2023 Repl. Vol.), in the District Court sitting in Frederick County, claiming that Tenant owed Base Monthly Rent and unspecified Additional Rent. The complaint noted that “Tenant waived the right to redeem the premises under paragraph 3.5 of the commercial lease.” The complaint requested judgment for possession, but not a monetary judgment.

At trial, Tenant acknowledged its failure to pay certain bills, disputed other bills, and claimed that it first learned of certain of Landlord’s claims at trial. The District Court found that Tenant was not responsible for certain charges but determined that Additional Rent in the amount of \$16,240.30 was due and unpaid. Relying on the Lease’s waiver provision, the District Court entered judgment in favor of Landlord for possession of the Premises with no right of redemption. Tenant requested but was denied the opportunity to pay the amounts owed to avoid entry of judgment.

Tenant took an on-the-record appeal to the Circuit Court for Frederick County. The circuit court vacated the District Court’s judgment and remanded the case to recalculate the attorneys’ fees. The circuit court also concluded that the Lease’s waiver of the right of redemption was not enforceable on the “specifics of this case.” The court determined that Landlord failed to give Tenant notice of the complaint as required under subsection 8-401(c). Having found that

Landlord failed to comply with the notice provision of subsection (c), “the Court [could not] reconcile the Waiver provision in the Lease as it would apply here with the legislative intent of a summary ejectment proceeding[.]” The circuit court was troubled that, if a landlord fails to give notice of the charges and the lease waives the right of redemption, the tenant faces two unpalatable choices, so the circuit court found that, on these facts, the waiver clause was not enforceable.

The Supreme Court of Maryland granted both the Landlord’s and Tenant’s petitions for a writ of certiorari. *Kapneck 14-16, LLC v. Bkeazy’s Speakeasy, LLC*, 492 Md. 411 (2025).

Held: Vacated and remanded.

The Supreme Court of Maryland determined that a clause in a nonresidential lease waiving the statutory right of redemption does not violate Maryland’s public policy. In the absence of any other contract defense, a waiver of the right of redemption is enforceable.

The Supreme Court of Maryland determined that the pre-suit notice requirement in RP subsection 8-401(c)(1) is, pursuant to its plain text, applicable only to residential tenancies. Thus, subsection 8-401(c)(1) is not operative in a nonresidential tenancy. Nevertheless, a landlord may be awarded possession in a section 8-401 action only for rent that is due and unpaid under the terms of the lease. Therefore, a summary ejectment action cannot be predicated on charges that the tenant learns of for the first time after suit is filed.

Board of Education for Wicomico County v. Rhonda B. Sturm, No. 54, September Term 2025, filed June 23, 2026. Opinion by Fader, C.J.

<https://www.mdcourts.gov/data/opinions/coa/2026/54a25.pdf>

COLLATERAL ORDER DOCTRINE – EFFECTIVELY UNREVIEWABLE – SOVEREIGN IMMUNITY

WAIVER OF SOVEREIGN IMMUNITY – APPROPRIATIONS OF FUNDS OR INDEPENDENT AUTHORITY TO RAISE FUNDS – CHILD VICTIMS ACT OF 2023 – COUNTY BOARDS OF EDUCATION – CLAIMS ARISING OUT OF PRE-JULY 1, 1971 CONDUCT

Facts:

In 2023, the General Assembly enacted the Child Victims Act of 2023 (the “CVA”), which removed all time limitations on bringing child sexual abuse claims. Respondent Rhonda B. Sturm subsequently filed a complaint against Wicomico County Public Schools and the Wicomico County Board of Education, alleging that between 1967 and June 30, 1971, she was sexually abused by a teacher while a student at North Salisbury Elementary School in Wicomico County. The Board moved to dismiss, asserting that county boards of education had “absolute sovereign immunity” as to tort claims arising before July 1, 1971. The circuit court denied the Board’s motion. The Board appealed and the Appellate Court of Maryland dismissed, holding the interlocutory appeal “not allowed by law.” The Supreme Court of Maryland granted certiorari to determine (1) whether the Board could appeal the circuit court’s interlocutory order under the collateral order doctrine, and if so, (2) whether the Board retained absolute sovereign immunity as to tort claims arising before July 1, 1971.

Held: Reversed and remanded.

Reversed and remanded to the Appellate Court to remand to the circuit court to grant Wicomico County Board of Education’s motion to dismiss without prejudice.

The Supreme Court of Maryland first considered whether the Board could appeal from an interlocutory order denying a motion to dismiss on absolute sovereign immunity grounds under the collateral order doctrine. Although an interlocutory order is ordinarily not appealable until final judgment, the collateral order doctrine is an exception to that rule, allowing an immediate appeal if the order (1) conclusively determines the disputed question, (2) resolves an important issue, (3) is completely separate from the merits, and relevant to this appeal, (4) would be effectively unreviewable upon appeal from final judgment. In *Dawkins v. Baltimore City Police Department*, 376 Md. 53, 54 (2003), the Supreme Court of Maryland established a general rule—

subject to testing in future cases—that interlocutory orders rejecting the defense of complete sovereign immunity are not immediately appealable under the collateral order doctrine.

The Supreme Court affirmed that county boards of education are State entities entitled to sovereign immunity, which may be waived only by the General Assembly through direct legislative enactment or necessary implication. It also recognized that sovereign immunity provides State entities immunity both from liability and from suit. Accordingly, the Supreme Court held that if a State entity were required to litigate a case to final judgment before appealing an order denying its complete sovereign immunity, its immunity from suit would be irretrievably lost and effectively abrogated. Recognizing an exception to *Dawkins*, the Supreme Court held that an order denying a motion to dismiss on complete sovereign immunity grounds is immediately appealable under the collateral order doctrine, assuming it satisfies the remaining three prongs of the doctrine and is purely legal in nature.

The Supreme Court next considered the merits of the Board’s motion to dismiss. Maryland law has long recognized that for a waiver of sovereign immunity to be effective, the General Assembly must (1) provide specific legislative authorization subjecting a State entity to suit and (2) appropriate funds to pay resulting judgments or provide independent authority to raise such funds. When interpreting waivers of sovereign immunity, the Court hews closely to the plain language of the text to avoid expansion by judicial fiat.

The Court first dismissed the Board’s argument that because it possessed full sovereign immunity as to claims arising from before July 1, 1971, Ms. Sturm had no claim for the CVA to revive. Sovereign immunity does not negate the existence of a claim; instead, it prevents the claim from being pursued.

The Court then held that the General Assembly had not effectively waived the Board’s sovereign immunity for conduct arising before July 1, 1971 because it had not appropriated funds for resulting judgments from such claims or otherwise provided a mechanism for the Board to fund such judgments. The Court held that the General Assembly has only appropriated funds for the payment of tort judgments by authorizing boards to procure insurance to cover them. The General Assembly first authorized the Board to procure insurance beginning July 1, 1971, after Ms. Sturm’s alleged abuse occurred. The Court gave instructions for Ms. Sturm’s complaint to be dismissed without prejudice so that if the General Assembly appropriates funds to pay for claims like Ms. Sturm’s in the future, her claim could potentially be revived.

State of Maryland, et al., v. Michael Young, No. 27, September Term 2025, filed June 23, 2026. Opinion by Fader, C.J.

<https://www.mdcourts.gov/data/opinions/coa/2026/27a25.pdf>

SOVEREIGN IMMUNITY – MARYLAND TORT CLAIMS ACT – ENTRY OF JUDGMENT

SOVEREIGN IMMUNITY – MARYLAND TORT CLAIMS ACT – INCIDENT OR OCCURRENCE – CAUSE TEST

SOVEREIGN IMMUNITY – MARYLAND TORT CLAIMS ACT – INCIDENT OR OCCURRENCE – JURY DETERMINATION

SOVEREIGN IMMUNITY – *LONGTIN* PATTERN-OR-PRACTICE CLAIMS – MOOTNESS

Facts:

The Maryland Tort Claims Act (“MTCA”) grants immunity to State personnel for tortious acts or omissions committed within the scope of their duties without malice or gross negligence, and correspondingly waives the State’s sovereign immunity for such torts. It also limits the State’s waiver of immunity to \$400,000 per “incident or occurrence.”

Mr. Michael Young was injured while incarcerated after being attacked by other incarcerated individuals. He sued Sergeant Jeremy Wright, Warden Richard Dovey, and the State of Maryland, among others.

Following a trial, the jury found Sgt. Wright and Warden Dovey negligent and awarded Mr. Young \$1,000,000 in damages against each of them. The jury also found that the State was liable for permitting a pattern or practice of unconstitutional conduct by its employees, a cause of action recognized in *Prince George’s County v. Longtin*, 419 Md. 450 (2011). The Circuit Court for Baltimore County denied the defendants’ post-trial motion to reduce or vacate the awards and entered judgment against Sgt. Wright, Warden Dovey, and the State.

On appeal, the Appellate Court of Maryland held that the awards against Sgt. Wright and Warden Dovey should be reduced to \$800,000 total per the MTCA’s limitation on liability because it found that two “incidents or occurrences” took place. The court also held that *Longtin* claims may be brought against the State but that Mr. Young failed to present sufficient evidence for the jury to find for him on that claim.

Held: Reversed in part and vacated in part.

Case remanded to that court to remand to the Circuit Court for Baltimore County to enter judgment in favor of Mr. Young against only the State of Maryland in the amount of \$400,000.

The Court first held that the circuit court erred by entering judgment against Sgt. Wright and Warden Dovey. The MTCA granted immunity to Sgt. Wright and Warden Dovey because they were State personnel acting within the scope of their duties without malice or gross negligence. Because both Sgt. Wright and Warden Dovey had immunity under the MTCA, the State was liable for their negligent conduct, and judgment should have been entered against the State alone.

The Court next held that the cause test was the appropriate way to determine the number of “incidents or occurrences” under the MTCA. Under the cause test, a prerequisite to damages for multiple incidents or occurrences under the MTCA is a jury verdict finding that multiple negligent acts or omissions proximately caused the plaintiff’s injuries or damages. Applying that test, the Court held that the circuit court erred by failing to reduce the verdict to \$400,000 to reflect a single incident or occurrence under the MTCA. The jury did not find that multiple tortious acts proximately caused Mr. Young’s injuries.

The Court lastly addressed the State’s challenge to the Appellate Court’s holding that *Longtin* claims can be maintained against the State. The Court held that the issue was moot because Mr. Young did not challenge the Appellate Court’s determination that the evidence he presented in support of his *Longtin* claim was insufficient. As that determination conclusively resolved the *Longtin* issue, the State’s challenge on an alternate ground was moot. However, the Court vacated the portion of the Appellate Court’s decision holding that *Longtin* claims may be brought against the State.

APPELLATE COURT OF MARYLAND

Steven Hicks v. State of Maryland, No. 634, September Term 2024, filed June 4, 2026. Opinion by Graeff, J.

Berger, Nazarian, Leahy, Friedman, and Shaw, JJ., concur.

<https://www.mdcourts.gov/data/opinions/cosa/2026/0634s24.pdf>

FOURTH AMENDMENT – REASONABLE SUSPICION – TERRY STOP – SECOND AMENDMENT – TERRY FRISK

Facts:

Steven Hicks, appellant, was indicted in the Circuit Court for Baltimore City with multiple drug and firearm offenses. He filed a motion to suppress the two handguns and cocaine discovered during a warrantless search of his person and bag. He argued, among other things, that the officers did not have either probable cause or reasonable suspicion to stop or frisk him because he had a permit to carry the weapons at issue. After the court denied the motion, appellant then entered a conditional guilty plea to possession of a firearm with a nexus to a drug trafficking crime.

Held: Reversed.

The circuit court erred in denying appellant's motion to suppress evidence found on his person during a stop based solely on the officer's observation of a gun printing on appellant's t-shirt. After *New York State Rifle and Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022), carrying a handgun publicly for self-defense is presumptively constitutional, and therefore, mere possession of a concealed firearm, by itself, is not indicative of criminal activity justifying a *Terry* stop. Accordingly, the mere possibility that a person with a gun might not have a valid license or may otherwise be restricted from possessing a gun is not enough to establish reasonable suspicion for a seizure. Because the officers here did not have reasonable suspicion that appellant was possessing the gun illegally, they did not have reasonable suspicion to stop him.

Assuming there is a proper stop, under *Bruen*, an officer may still conduct a limited *Terry* frisk for officer safety when a suspect is armed. Because a gun is a dangerous weapon, officers may frisk a suspect carrying a gun regardless of whether the suspect is carrying the gun legally or

illegally. There is no dispute here that appellant was armed with a handgun. Had there been a proper stop, the police had reasonable suspicion to conduct a brief frisk for weapons.

The police exceeded the scope of a *Terry* frisk by reaching into appellant's bag and pockets. A *Terry* frisk is limited to a pat-down of outer clothing unless the police show that a pat-down would be insufficient to determine whether a suspect was armed and dangerous. The State did not make that showing here. Moreover, the State failed to meet its burden of proving the plain view and plain feel doctrines applied to justify the seizure of the drugs and gun. The officer who conducted the pat-down and found the second gun and drugs did not testify, and there was no evidence regarding what that officer observed in the bag prior to reaching inside. There also was no testimony that, based on what the officer felt during the pat-down, it was immediately apparent to him that appellant's pocket contained contraband.

Jerome Thomas v. State of Maryland, No. 1530, September Term 2023, filed May 1, 2026. Opinion by Tang, J.

<https://www.mdcourts.gov/data/opinions/cosa/2026/1530s23.pdf>

SEARCH, SEIZURE, AND ARREST – EXCEPTIONS TO WARRANT REQUIREMENT – EMERGENCIES AND EXIGENT CIRCUMSTANCES – OPPORTUNITY TO OBTAIN WARRANT

EVIDENCE – HEARSAY – ACQUIESCENCE OR SILENCE; ADOPTIVE ADMISSIONS

CRIMINAL LAW – INSTRUCTIONS – EVIDENCE JUSTIFYING INSTRUCTIONS IN GENERAL

Facts:

In the early hours of May 1, 2020, just after midnight, Anthony McNeil was shot and killed during an altercation in a parking lot in Columbia, Maryland. Officers from the Howard County Police Department (“HCPD”) responded to the scene and interviewed various individuals present during the fight. On May 6, the police discovered that a person with the nickname “Hammer” had been at the scene of the shooting, and a witness provided a description of him. Based on this information, the police conducted a computer search for the nickname “Hammer” and found that it was associated with the appellant.

On May 13, the Greenville Police Department in North Carolina contacted HCPD detectives to report a domestic incident involving the appellant and his girlfriend at the appellant’s mother’s home. Family members present at the scene informed the Greenville officers that the appellant and his girlfriend were involved in a shooting on May 1 in Columbia, Maryland. HCPD did not have an active warrant for the appellant at that time, so the Greenville officers released him at the scene. The appellant and his girlfriend provided their cell phone numbers to the Greenville officers. Later that day, an HCPD detective applied for and obtained three ex parte court orders to track cell-site location information (“CSLI”) in real time using the known cell phone numbers associated with the appellant, including those provided to the Greenville police. However, this information yielded no leads.

On May 14, HCPD officers presented a photo array to a witness who identified the appellant as the shooter. Later that day, the police applied for and obtained a felony arrest warrant for the appellant, charging him with first-degree murder. HCPD detectives traveled to the appellant’s mother’s home in Greenville to apprehend him, and upon arrival, his mother informed them that the appellant and his girlfriend had left the day before and were staying at a local motel. She also provided the police with the appellant’s current cell phone number, which was different from the numbers the HCPD had used to request and obtain the ex parte court order.

At 2:05 a.m. on May 15, the HCPD detectives visited a Super 8 Motel in Greenville, where they believed the appellant and his girlfriend were staying. After confirming the couple had rented a room, at 2:20 a.m., the police obtained a search warrant for the motel room and executed it. However, by this time, the appellant and his girlfriend were no longer present.

At 3:41 a.m. on May 15, police requested an “Emergency Situation Disclosure” from Verizon seeking real-time CSLI for the cell phone number provided by the appellant’s mother. After receiving the disclosure, the police traced the phone number to Womack Drive in Annapolis, Maryland. The police then responded to that area and, after checking with local motels, discovered that the appellant’s girlfriend had rented room 122 at an Extended Stay America the previous day. At 6:20 a.m., the police used a Stingray, a cell-site simulator, to determine that the appellant’s phone was in room 122. Additionally, the police conducted physical surveillance on the room.

Later that day, the police observed the appellant leaving room 122 and arrested him. Officers retrieved a cell phone from him during the arrest. Pursuant to a search warrant, the police examined the contents of the appellant’s phone and discovered various text messages, including an exchange between the appellant and his mother during which his mother stated, “You will always be family but you acted very childish right now and you’re not thinking right now and *nobody told you to kill that boy.*” (emphasis added).

The appellant moved to suppress the evidence from his cell phone. He argued that the police’s use of real-time CSLI from his service provider and a cell-site simulator both constituted searches that required a warrant, and because it led them to the appellant, the subsequent seizure of his phone and its contents should have been suppressed. The court denied the motion on the basis that exigent circumstances justified the police’s actions.

At trial, the appellant argued that the text message from his mother suggesting that he had killed the victim was inadmissible to prove that he had actually done so. The court admitted the message as an adoptive admission, reasoning that a jury could have construed his decision not to address the accusation that he killed the victim as a tacit admission that he had done so.

The appellant also objected to the State’s request for a jury instruction on the transferred-intent theory of murder, arguing that there was no evidence he intended to harm anyone other than the victim. The court overruled the objection and gave the instruction, and the appellant was convicted of first-degree murder, among other charges.

Held: Affirmed.

The Appellate Court held that the circuit court did not err in admitting the contents of the appellant’s cell phone under the exigent circumstances exception to the warrant requirement. Exigent circumstances existed here to justify the police’s warrantless use of both real-time CSLI and a cell-site simulator. At the time, police were actively pursuing a fleeing suspect who had thus far eluded them, and, given that he was accused of committing a fatal shooting, it was

reasonable for police to assume the appellant was armed and posed an ongoing danger to the public.

The Appellate Court further held that the circuit court did not clearly err in concluding that the appellant's silence in response to the accusatory portion of his mother's text message—"You will always be family but you acted very childish right now and you're not thinking right now and nobody told you to kill that boy."—constituted an adoptive admission as to that portion of her message.

There was sufficient evidence from which a jury could conclude that the appellant manifested an adoption or belief in the truth of his mother's implicit assertion that he "kill[ed] that boy." Two minutes after his mother sent the message, the appellant replied, "I am not your family they are," "I been didn't have any family," and "U just like the rest of your family fake as shit." Because he responded to one part of the message, a jury could reasonably infer that he read the entire message, including the accusatory statement, and had the opportunity to respond to it. Additionally, given the portion of the message he responded to and the gravity of the subject matter, a jury could reasonably conclude that a reasonable person in his position would have expressed disagreement with it.

Finally, the Appellate Court held that the circuit court did not err in giving the jury instruction on transferred intent. There was some evidence from which a jury could reasonably infer that the appellant intended to shoot someone other than the victim. The night of the shooting, a group led by the victim's cousin met with an opposing group that included the appellant, resulting in multiple fights. One of these altercations involved the appellant and the victim's cousin, who had broken away from the appellant and was near the victim when the appellant began firing. A jury could have found that the appellant's intended target was the victim's cousin—given their recent physical confrontation—and that, due to the darkness, the appellant mistook the victim for the victim's cousin when he fired the gun.

In the Matter of Brawner Builders, Inc., No. 1451, September Term 2024, filed May 29, 2026. Opinion by Friedman, J.

<https://www.mdcourts.gov/data/opinions/cosa/2026/1451s24.pdf>

PUBLIC CONTRACTS – COMPENSATION

PUBLIC CONTRACTS – EXTRA COSTS OR EXPENSES IN GENERAL

Facts:

The State Highway Administration entered into a procurement contract with Brawner Builders, Inc. to purchase estimated quantities of items for use in highway maintenance projects. SHA agreed to pay Brawner only for quantities of items that it purchased from Brawner. SHA would not pay Brawner for things that Brawner bought and let sit idle. The contract also contained a VEQ clause that allowed Brawner to demand an equitable adjustment to the contract price if the government purchased so much less than the estimated quantity of an item (an “underrun”) that its actual costs per unit increased as a result. The VEQ clause also allows the government to demand an equitable adjustment if it purchased so much more (an “overrun”) of an item that the contractor’s actual costs per unit decreased.

Brawner claimed that it was entitled to an equitable adjustment because SHA purchased so much less of various contract items that Brawner’s actual costs per unit increased. The Maryland State Board of Contract Appeals rejected Brawner’s claim. It found that Brawner had failed to establish that its actual costs per unit increased because of the underrun. Brawner petitioned for review in the Circuit Court for Baltimore County. The circuit court reversed the decision of the MSBCA. SHA appealed.

Held:

Reversed and remanded with instructions to reinstate the decision of the MSBCA.

The Appellate Court of Maryland held that to recover under a VEQ clause in an underrun scenario, the contractor must satisfy a four-prong test: (1) the government purchased less than 75% of the estimated quantity of a contract item; (2) the actual cost per unit of the item that the government purchased exceeds the contract cost per unit; (3) the actual cost per unit of the item that the government purchased is greater than the per unit cost would have been for units purchased absent the underrun; and (4) the underrun is the sole reason that the actual cost per unit increased. The first prong establishes the underrun. The remaining three prongs together establish that the contractor’s actual costs per unit increased as a result of the underrun.

The Court held that Brawner failed to establish its entitlement to an equitable adjustment under the VEQ clause under the four-prong test. Brawner satisfied prong (1), because it proved that there was an underrun: the government purchased less than 75% of the estimated quantity of contract items. But Brawner did not satisfy prongs (2) and (3) of the four-prong test: that its actual costs per unit exceeded contract costs per unit and the costs of units purchased absent an underrun. Brawner provided no evidence that its actual costs per unit exceeded either amount. Brawner also did not satisfy prong (4), that the increased actual costs per unit were caused by the underrun. Brawner's "increased actual costs" were its costs to buy more items than SHA purchased and to let them sit idle. Idle costs were excluded from payment under the contract. Brawner's costs were therefore not caused by an underrun in estimated contract quantities, but by Brawner's decision to buy things that were excluded from payment under the contract.

The Court held that, by failing to satisfy the last three prongs of the four-prong test, Brawner failed to establish the only basis for an equitable adjustment under the VEQ clause: that its actual costs per unit increased because of the underrun. Brawner instead demanded payment for a bid that proved unwise in hindsight, which is not the function of the VEQ clause.

Department of Public Safety & Correctional Services v. Terry L Proctor, Sr., No. 2295, September Term 2024, filed May 12, 2026. Opinion by Hotten, J.

<https://www.mdcourts.gov/data/opinions/cosa/2026/2295s24.pdf>

RECORDS – EXAMINATION, INSPECTION, AND DISCLOSURE; PUBLIC ACCESS – MARYLAND PUBLIC INFORMATION ACT – PERSON IN INTEREST

RECORDS – EXAMINATION, INSPECTION, AND DISCLOSURE; PUBLIC ACCESS – MARYLAND PUBLIC INFORMATION ACT — BURDEN OF PROOF

Facts:

On the night of December 14, 2020, Terry Proctor, Jr., an inmate at the Dorsey Run Correctional Institute, was fatally attacked by another inmate. Terry Proctor, Sr. (“Appellee”), father of the decedent, submitted a request pursuant to the Maryland Public Information Act for the disclosure of records generated from the death investigation of his son. When the Department of Public Safety and Correctional Services (“the Department”) refused, Appellee filed suit in the Circuit Court for Baltimore County seeking a declaratory judgment and an order compelling their production.

Following an evidentiary hearing, the circuit court granted declaratory relief and ordered the production of: (1) a surveillance video depicting the decedent’s death; and (2) video recordings contained within a comprehensive IID report detailing Dorsey Run’s employees’ response to the death. Although the circuit court determined that these records fell within certain statutory exemptions which could preclude disclosure—namely, the investigatory and personnel records exemptions—those protections were not absolute.

Relative to the surveillance video, the circuit court determined Appellee was a “person in interest” as the personal representative of the Estate of Terry Proctor, Jr. As a “person in interest,” Appellee was entitled to disclosure of an investigatory record unless the Department demonstrated that releasing the record conflicted with Gen. Prov. § 4-351(b) or harmed the public interest. After determining the surveillance video was an investigatory record, and that the Department failed to justify nondisclosure to a “person in interest,” the circuit court ordered the Department to produce the surveillance video.

Relative to the video recordings, the circuit court determined that Appellee was entitled to disclosure because he similarly qualified as a “person in interest.” For personnel records, the Department was statutorily prohibited from denying a “person in interest” access, regardless of extenuating circumstances. Since the circuit court determined such video recordings were personnel records, it ordered the Department to produce the recordings. This appeal followed.

Held: Affirmed.

The circuit court properly ordered the production of the surveillance video and video recordings contained within the comprehensive IID report.

Regarding the surveillance video, the Appellate Court affirmed, determining that a “person in interest” is entitled to review an investigatory record. The request to inspect can only be denied if nondisclosure is justified by a specific exemption under Gen. Prov. § 4-351(b). Here, the surveillance video is an investigatory record because it can be used for “correctional” or “prosecution” purposes under § 4-351(a)(2); Appellee is a “person in interest” because he is the personal representative of the Estate of the decedent who is the subject of the investigatory record; and the Department failed to overcome Appellee’s statutory right to inspection because its reliance was limited to generalized concerns regarding privacy and trial interference.

With respect to the video recordings, the circuit court’s ultimate ruling was affirmed, albeit based on a different legal analysis. Since the Appellate Court determined that the video recordings were not personnel records, there was no need to determine whether Appellee qualified as a “person in interest” under that specific exemption. Without an applicable exemption, the Department can only deny inspection by demonstrating that disclosure would run contrary to the public interest. Having failed to meet this burden, the circuit court properly ordered the production of the video recordings.

Forest Grove Citizens Association, et al. v. Forest Glen Medical Center, LLP, et al., No. 2475, September Term 2024, filed May 29, 2026. Opinion by Leahy, J.

<https://www.mdcourts.gov/data/opinions/cosa/2026/2475s24.pdf>

ADMINISTRATIVE LAW – JUDICIAL REVIEW – STANDARD OF REVIEW

ZONING AND PLANNING – REGIONAL DISTRICT ACT – MONTGOMERY COUNTY CODE – “APPLICANT”

PRINCIPAL AND AGENT – CREATION AND EXISTENCE OF AGENCY RELATIONSHIP

ZONING AND PLANNING – REGIONAL DISTRICT ACT – SECTOR PLAN – SUBSTANTIAL CONFORMANCE

ENVIRONMENTAL LAW – FOREST CONSERVATION LAW – TREE VARIANCE

Facts:

Co-appellee Forest Glen Medical Center, LLP (“FGMC”) owns a 3.78-acre property located at the northeast quadrant of Georgia Avenue and Forest Glen Road in Silver Spring, Maryland, directly across from the Forest Glen Metrorail Station. The property, zoned Commercial Residential Town (CRT-2.5, C-2.5, R-2.5), was occupied by a medical office building constructed in 1967 and associated surface parking.

Developer JLB Realty LLC (“JLB Realty”) entered into a purchase contract with FGMC and sought to redevelop the property into a modern mixed-use residential project. In furtherance of this redevelopment, JLB Realty submitted a preliminary plan, a site plan, and a forest conservation plan (the “Plans”) to the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (“the Planning Board”).

During the administrative review process, the Forest Grove Citizens Association, along with several local residents and environmental organizations (collectively, “Appellants”), opposed the redevelopment. They raised objections concerning traffic impacts, environmental issues, and alignment with regional master plans. Following a public hearing, the Planning Board issued a series of resolutions (“Resolutions”) approving all three components of the project plans, including a variance allowing the removal of eight protected trees and the disturbance of one critical root zone.

Appellants filed petitions for judicial review in the Circuit Court for Montgomery County, asserting that the approvals were invalid. Specifically, they claimed that the Resolutions were void because JLB Realty’s underlying purchase contract with the property owner had expired prior to the Board’s final action, stripping JLB Realty of its status as a valid “applicant.” They further argued that the Plans failed to conform to the 2020 Forest Glen/Montgomery Hills Sector

Plan and that the tree variance violated Maryland's Forest Conservation Law. The circuit court affirmed the Resolutions. Appellants timely appealed to the Appellate Court of Maryland.

Held: Affirmed.

1. Validity of the Application and Agency Authority

The Appellate Court of Maryland first addressed whether the Resolutions were void as a matter of law because JLB Realty's purchase contract with FGMC had expired prior to the issuance of the approvals. Reviewing this purely legal question de novo to determine whether the circuit court was "legally correct," the Court held that the expiration of the purchase contract did not invalidate the application.

Section 50-2.2(A) of the Montgomery County Code defines an "applicant" broadly as an "individual, partnership, corporation, or other legal entity and its agent that undertakes the subdivision of land," explicitly stating that this includes "all persons involved in successive stages of the project, even though such persons may change and ownership of the land may change." This language demonstrates that the legislative framework expressly contemplates shifting entities and ownership over the course of successive development stages without undermining an application's validity.

Furthermore, the Court emphasized that a valid principal-agent relationship may be established through written or spoken words or other conduct demonstrating that the principal desires the agent to act on its account. The record conclusively established that at the time of the Planning Board hearing, FGMC had provided an explicit authorization letter and maintained conduct demonstrating that JLB Realty possessed actual authority to act as its developer and agent. Because JLB Realty maintained actual agency authority to pursue the Plans on behalf of the property owner, the technical expiration date of their separate purchase contract did not extinguish JLB Realty's status as a permissible applicant under the County Code.

2. Substantial Conformance with the Sector Plan

Appellants next argued that the Planning Board erred by finding that the preliminary and site plans conformed to the governing 2020 Forest Glen/Montgomery Hills Sector Plan. The Court noted that while the Montgomery County Code elevates the Sector Plan by requiring the Planning Board to find "substantial conformance" with its recommendations, "substantial conformance" is legally distinct from "strict conformance."

Relying on established canons of statutory interpretation, the Court reiterated that master plans and sector plans are generally advisory guidelines rather than rigid, mandatory regulatory directives. A review of the 2020 Sector Plan revealed that its text consistently employed aspirational terms such as "should" and "recommends" rather than mandatory commands like

“shall” or “requires.” To require strict compliance with every individual recommendation would impermissibly conflate “substantial conformance” with strict compliance and treat purely aspirational guidelines as mandatory statutory mandates. The Court concluded that the Planning Board’s determination that the redevelopment project substantially conformed to the Sector Plan’s overarching goals was supported by substantial evidence in the administrative record.

3. Tree Variance and the Forest Conservation Law

Finally, the Court reviewed the Planning Board’s approval of a tree variance under Chapter 22A of the MCC (the Forest Conservation Law), which permitted the removal of eight protected trees and the disturbance of a critical root zone. Appellants contended that the variance violated environmental regulations because the developer had failed to demonstrate the requisite unique hardship necessary to justify the tree removals.

The Court affirmed the Board’s decision, observing that infill development projects near transit hubs frequently present unique challenges, such as the mandatory relocation of extensive underground public utilities, which make complete forest or tree preservation practically impossible. The Planning Board carefully evaluated these physical constraints alongside expert testimony and agency reports. Because the administrative record contained robust, competent, and material evidence demonstrating that denying the variance would result in an undue hardship and deprive the applicant of reasonable use of the property, the Court held that the Board’s grant of the tree variance was supported by substantial evidence and was legally sound.

ATTORNEY DISCIPLINE

REINSTATEMENTS

By Order of the Supreme Court of Maryland

JULIAN ARNOLD HAFFNER

has been replaced on the register of attorneys permitted to practice law in this State as of
June 25, 2026.

*

DISBARMENTS/SUSPENSIONS/INACTIVE STATUS

By an Order of the Supreme Court of Maryland dated June 17, 2026, the following attorney has
been disbarred by consent:

CHARLES T. TUCKER, JR.

*

By an Order of the Supreme Court of Maryland dated June 18, 2026, the following attorney has
been suspended for one year and two days *nunc pro tunc* to May 27, 2026:

LOUIS BERNARDO ANTONACCI

*

By an Order of the Supreme Court of Maryland dated June 18, 2026, the following attorney has
been disbarred by consent:

JOHN S. LOPATTO, III

*

RULES ORDERS

*

A Rules Order pertaining the 228th Report of the Standing Committee on Rules of Practice and Procedure was filed on June 4, 2026.

http://www.mdcourts.gov/sites/default/files/rules/order/ro228th_0.pdf

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UNREPORTED OPINIONS

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

<https://mdcourts.gov/appellate/unreportedopinions>

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