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http://www.mdcourts.gov/opinions/coa/2015/64a13ag.pdf

ATTORNEY DISCIPLINE – SANCTIONS – DISBARMENT

Facts:

The Attorney Grievance Commission ("the Commission"), Petitioner, charged Jeffrey S. Marcalus ("Marcalus"), Respondent, with violating multiple Maryland Lawyers' Rules of Professional Conduct ("MLRPC"), including MLRPC 8.4(d) (Conduct That Is Prejudicial to the Administration of Justice).

A hearing judge found the following facts. In 2012, Marcalus represented a party in litigation in which the other party was a woman, who was self-represented. Marcalus texted the woman to ask whether she knew anyone who did modeling or promotional work. Soon thereafter, Marcalus texted the woman to apologize and state that his text about modeling or promotional work was meant for a client, not the woman. The following day, Marcalus deposed the woman; afterward, the woman joked that she would need a "sugar daddy" to live in the school district in which Marcalus's client lived. Later that day, Marcalus texted the woman to state that he would "let [her] know if [he] c[ould] think of a s d [sic] for" her. Two weeks later, the woman came to Marcalus's office, where Marcalus told the woman that she would need to bring bathing suits, high heels, and a lingerie-like short dress to the modeling or promotional work. The woman left Marcalus's office, and Marcalus texted the woman to ask: "[I]s it possible to e[-]mail a pic or two[?]" The woman texted Marcalus to ask: "Yes[. W]hat kind of photos? Anything[?]" Marcalus texted the woman to respond: "[W]ell maybe one in a suit you mentioned[.]" The next day, Marcalus and the woman went to a beach, where the woman showed Marcalus outfits that she had brought. The following day, Marcalus and the woman texted each other to discuss what the woman would be willing to do with the "sugar daddy" and whether the woman would be willing to use "toys" with the "sugar daddy." Marcalus and the woman seemingly joked about Marcalus's waking up with an erection. On that day, during a telephone conversation, Marcalus told the woman that the "sugar daddy" would pay her to watch her masturbate.

The hearing judge concluded that Marcalus violated MLRPC 8.4(d). The Commission recommended disbarment. Marcalus excepted to the hearing judge's conclusion and recommended dismissal, a reprimand, or a suspension.

Held: Disbarred.

The Court of Appeals overruled Marcalus's exception and held that Marcalus violated MLRPC 8.4(d). Even if Marcalus and the woman engaged in consensual conduct and believed that their statements to each other were a "joke," given that the woman was a self-represented party in litigation in which Marcalus represented the opposing party, Marcalus's "sexting" and suggestive conduct would negatively impact the perception of the legal profession of a reasonable member of the public.

The Court agreed with the Commission that disbarment was the appropriate sanction for Marcalus's misconduct. The Court noted only one mitigating factor: remorse. The Court noted five aggravating factors: (1) substantial experience in the practice of law; (2) a deceptive practice during the attorney discipline proceeding; (3) prior attorney discipline; (4) a pattern of misconduct; and (5) likelihood of repetition of misconduct. The latter three aggravating factors were established by the circumstances that: (1) in 2007, the Court granted a joint petition and indefinitely suspended Marcalus from the practice of law in Maryland with the right to apply for reinstatement no sooner than thirty days afterward where, significantly, Marcalus engaged in the exact same type of misconduct that was at issue here: violating MLRPC 8.4(d) by engaging in "sexting"; and (2) in 2010, the Court suspended Marcalus from the practice of law in Maryland for sixty days for violating MLRPC 8.4(d) and 8.4(b) (Criminal Act) by giving a woman a painkiller in exchange for fellatio.

Attorney Grievance Commission of Maryland v. Sheron A. Barton, Misc. Docket AG No. 86, September Term 2012, and Misc. Docket AG Nos. 13 & 57, September Term 2013, filed March 2, 2015. Opinion by Battaglia, J.

http://www.mdcourts.gov/opinions/coa/2015/86a12ag.pdf

ATTORNEY DISCIPLINE – SANCTIONS – INDEFINITE SUSPENSION

Facts:

The Attorney Grievance Commission filed three separate petitions for discipline against Sheron A. Barton, charging her with violations of Maryland Lawyers' Rules of Professional Conduct (MLRPC) 1.1, 1.3, 1.4(a) and (b), 1.5(a), 1.15(a) and (b), 1.16(d), 5.1(a), (b) and (c), 5.3(a), (b) and (c), 5.4(a) and (b), 5.5(a), 8.4(a), (c) and (d), related to nine clients. The hearing judge found that the Respondent owned, operated and was the only attorney admitted to practice in Maryland at the Cardinal Law Firm in Camp Springs, Maryland. The findings also reflected that she had employed Richard Tolbert as the office manager.

The nine clients involved in this case came to the Cardinal Law Firm seeking assistance filing bankruptcy petitions. The hearing judge found that Respondent permitted Mr. Tolbert to initially meet with the clients, accept their cases, charge flat fees, and in several instances, give legal advice about what type of bankruptcy petition to file or, in two instances, counseled the client to stop paying their mortgage. Barton also allowed Mr. Tolbert to deposit client funds in the firm's operating account and provided Mr. Tolbert with signed blank checks for that account. The hearing judge also found that, although Barton received bank statements for the operating account, she did not review them. The hearing judge found that Barton became aware in February of 2011 that Mr. Tolbert was stealing from the operating account, but she continued to employ him until July of 2011.

The hearing judge found that the Respondent did not meet several of the clients until immediately before the scheduled hearings; Barton failed to appear at hearings in two instances, and in one instance, failed to file the correct papers. With respect to Ms. Winifred Winston, Barton arrived late to one hearing and failed to appear at another. With respect to Ms. Rosemary Tyner, Barton failed to appear at a bankruptcy hearing on her behalf which resulted in the dismissal of Ms. Tyner's case. With respect to Ms. Arnell Simmons, the Bankruptcy Court issued a deficiency notice after Barton failed to file the correct papers; Ms. Simmons herself had to correct the problem. Barton also failed to keep Ms. Simmons and Ms. Tyner informed about the status of their respective cases.

In one instance, Ms. Winston requested that Barton assist her in removing a second mortgage; Barton referred Ms. Winston to Mr. Tolbert but failed to disclose to the Bankruptcy Court the additional compensation paid by Ms. Winston for this assistance. The hearing judge also found

that Barton did little or no work on many clients' cases, yet she failed to refund the unearned fees, despite, in several instances, a Court Order to do so.

The hearing judge determined that Barton violated MLRPC 1.1, 1.3, 1.4(a) and (b), 1.5(a), 1.15(a) and (b), 1.16(d), 5.3(a), (b) and (c), 5.4(a) and (b), 5.5(a), 8.4(a), (c) and (d). Barton filed numerous exceptions to the hearing judge's findings of fact and conclusions of law. The Court of Appeals concluded, after considering Barton's numerous exceptions, that her conduct violated Rules 1.1, 1.3, 1.4(a) and (b), 1.5(a), 1.15(a) and (b), 1.16(d), 5.3(a), (b) and (c), 5.4(b), 5.5(a), 8.4(a), (c) and (d).

Held: Indefinite suspension is the appropriate sanction.

The Court concluded that MLRPC 1.1 and 1.3 were violated when Barton's counsel conceded the same and also upon the Court's own independent determination. The Court concluded that Barton violated MLRPC 1.4(a) and (b) when she failed to return the phone calls of Ms. Winston and failed to keep both Ms. Tyner and Ms. Simmons informed about the status of their respective cases.

The Court of Appeals concluded that Barton violated MLRPC 1.5(a) by charging unreasonable fees. Although the fees were not unreasonable when Respondent initially charged them, they became unreasonable when Barton failed to perform the services her clients expected. Barton failed to appear at hearings with respect to two clients, failed to respond to a client's inquiries, provided no legal services of any kind with respect to three clients and failed to refund fees when ordered to do so by the Bankruptcy Court. Barton, additionally, violated MLRPC 1.16(d) failing to return the unearned fees to her clients.

The Court also concluded that Barton violated MLRPC 1.15(a) and (b) by commingling funds. Barton permitted Mr. Tolbert to deposit client funds in the firm's operating account, which included earned fees and funds from which firm expenses were drawn.

The Court of Appeals also concluded that the Respondent violated MLRPC 5.3(a), (b) and (c) when she had permitted and encouraged Mr. Tolbert to give legal advice to clients even though Barton was the only barred attorney in the Cardinal Law Firm. Barton, additionally, permitted Mr. Tolbert to deposit client funds in the firm's operating account and provided him with blank checks for months after she became aware that he was stealing from the account.

The Court, however, sustained Barton's exception to the conclusion that she violated MLRPC 5.4(a) and concluded that there was insufficient evidence presented in the record to support the hearing judge's determination that Barton shared legal fees with Mr. Tolbert. The Court concluded that Barton violated MLRPC 5.4(b) by treating Mr. Tolbert as a principal in her law firm by permitting him to give legal advice to clients; for example, when Ms. Winston raised a legal question regarding her condominium, Barton referred her to Mr. Tolbert.

The Court also concluded that Barton violated MLRPC 5.5(a) because she was aware that Mr. Tolbert held himself out as an attorney to several clients and she permitted Mr. Tolbert to give legal advice to clients, including instructing them as to what type of bankruptcy petition to file and advising two clients to stop paying their respective mortgages. The Court of Appeals concluded that Barton had violated MLRPC 8.4(c), because she intentionally failed to make a required disclosure to the Bankruptcy Court of the additional fee that was paid by Ms. Winston for advice on how Ms. Winston could remove a second mortgage from her condominium. The Court concluded that Barton violated MLRPC 8.4(d), because she failed to appear at court hearings on behalf of Ms. Winston and Ms. Tyner, and Ms. Tyner's bankruptcy petition was dismissed as a result. The Bankruptcy Court issued Ms. Simmons a deficiency notice after Barton failed to file the required papers; Ms. Simmons was unable to reach Respondent thereafter and had to correct the problem herself. Barton also failed to both perform any legal services of value in exchange for legal fees she charged and failed to return the unearned fees of several clients. Finally, according to the Court, Barton violated subsection (a) of MLRPC 8.4 by repeatedly violating various of the Maryland Lawyers' Rules of Professional Conduct.

Indefinite suspension was the appropriate sanction, because Barton neglected client affairs, charged unreasonable fees, failed to refund unearned fees, commingled funds, failed to supervise a nonlawyer employee and made a misrepresentation to the tribunal.

Attorney Grievance Commission of Maryland v. Mira Sugarman Burghardt, No. 15, September Term 2014, filed March 4, 2015. Opinion by Harrell, J.

http://www.mdcourts.gov/opinions/coa/2015/15a14ag.pdf

ATTORNEY GRIEVANCE – RECIPROCAL ACTION – MISAPPROPRIATION/MISREPRESENTATION – INDEFINITE SUSPENSION

Facts:

Mira Sugarman Burghardt ("Respondent" or "Burghardt") is the subject of this reciprocal disciplinary action. Respondent was admitted to the Bar of this Court, as well as to the Bars of the Commonwealth of Massachusetts and the District of Columbia. At the time of the misconduct underlying the initial sanction imposed on Burghardt, she was practicing in Massachusetts. The Supreme Judicial Court for Suffolk County, Massachusetts, by an Order of Term Suspension *In re: Mira S. Burghardt*, No. BD-2013-096, suspended Respondent from the practice of law in the Commonwealth of Massachusetts for a period of one year and one day, effective thirty days after the date of entry of the Order. By a Per Curiam Order filed 20 February 2014, the District of Columbia Court of Appeals suspended Respondent, on a reciprocal basis, for a period of one year and one day, *nunc pro tunc* to 6 December 2013, with reinstatement contingent on a showing of fitness.

The Attorney Grievance Commission of Maryland ("Petitioner"), acting through Bar Counsel, filed a Petition for Disciplinary or Remedial Action ("PDRA") against Burghardt based on her misconduct in Massachusetts. Bar Counsel attached to its Petition, *inter alia*, a Summary of the Massachusetts disciplinary action (the "Summary") compiled by the Board of Bar Overseers (based on the record filed with the Supreme Judicial Court). The Summary stated, in essence, that Respondent was disciplined in Massachusetts for seeking, over a 4 month period, reimbursement from her employing law firm for expenses that were personal in nature and for which she was not entitled to reimbursement, and for submitting falsified invoices in support of the same.

This Court issued a Show Cause Order. Bar Counsel, in its Response, argued that Respondent's misconduct warranted disbarment (which Bar Counsel conceded constituted "substantially different discipline," within the meaning of Maryland Rule 16-773(e)(4)). Respondent, in her Response, maintained that the imposition of reciprocal discipline ("corresponding discipline" to that imposed in the other jurisdictions) is appropriate as her misconduct did not involve client funds or accounts, and because she cooperated fully with the disciplinary authorities of Massachusetts, the District of Columbia, and Maryland in the course of their investigations and proceedings in these matters. This Court, in accordance with Maryland Rule 16-773(d) (interim suspension), suspended Respondent, effective immediately, from the practice of law in this State, pending further action of the Court on the PDRA.

Held:

The Court of Appeals concluded that the appropriate reciprocal sanction in Maryland for Respondent's misconduct was an indefinite suspension, with the right to apply for reinstatement no sooner than when Respondent is readmitted to practice in Massachusetts and the District of Columbia.

The Court imposed a sanction different slightly from the sanctions imposed in Massachusetts and the District of Columbia based on Maryland Rule 16-773(e), which provides that the Court of Appeals may impose discipline different than that of the originating jurisdiction when either party demonstrates, by clear and convincing evidence, that exceptional circumstances exist (including circumstances in which the misconduct warrants substantially different discipline in Maryland).

Bar Counsel's argument that Respondent's misconduct warranted disbarment was based, in part, on *Attorney Grievance Commission v. Vanderlinde*, 364 Md. 376, 773 A.2d 463 (2001). The Court of Appeals discussed *Vanderlinde*, as well as two cases interpreting and applying *Vanderlinde* (*Attorney Grievance Commission v. Palmer*, 417 Md. 185, 9 A.3d 37 (2010) and *Attorney Grievance Commission v. Lane*, 367 Md. 633, 790 A.2d 621 (2002)), and concluded that *Vanderlinde* intended its holding to apply only to situations where similar mental disability mitigation defenses are offered by a respondent.

Recognizing that post-*Vanderlinde* not every respondent who misappropriated funds through misrepresentation was disbarred, the Court discussed sanctions meted out for similar misconduct in other cases. The Court identified several aggravating factors, including Respondent's dishonest and selfish motive in misappropriating funds from her former law firm and her pattern of submitting requests for reimbursement with falsified invoices for four months. The Court considered also various mitigating factors, including the fact that Respondent did not appear to have a prior disciplinary record, her cooperation with the Bar Counsel equivalents in the Massachusetts and District of Columbia disciplinary processes, her admissions, when confronted, that the charges were for personal expenses, and the fact that she reimbursed the firm for those payments she received wrongfully.

Marcus Lee Smiley v. State of Maryland, No. 37, September Term 2014, filed March 9, 2015. Opinion by Battaglia, J.

http://www.mdcourts.gov/opinions/coa/2015/37a14.pdf

CRIMINAL PROCEDURE – EYEWITNESS IDENTIFICATION PROCEDURE – IMPERMISSIBLY SUGGESTIVE PROCEDURE

CRIMINAL PROCEDURE – EYEWITNESS IDENTIFICATION

EVIDENCE – HEARSAY EXCEPTION – FORFEITURE BY WRONGDOING –EVIDENCE OF PARTY'S INVOLVEMENT

Facts:

During the early hours of December 10, 2011, Travis Green was shot. While at the hospital recuperating, Green was presented with a photo array that contained six photographs, including that of Marcus Lee Smiley, the Petitioner. The hearing judge noted that four of the photographs in the array were "slightly elongated with respect to the head, neck and what little bit of the torso of each individual can be seen", but still resembled people "who have that kind of build." Other similarities among the subjects of the photographs identified by the hearing judge included that they depicted six African-American males, all roughly of the same age, all with close-cropped hair, five of the six had receding hairlines, all six had facial hair of the same style and they all had the same facial expression. When Green was shown the array, he identified Smiley's photograph as that of his assailant.

Another witness to the shooting, Elmer Duffy, in an interview recorded three days after the shooting, explained that he had immediately recognized Smiley as Green's assailant. The morning after Mr. Duffy's interview, Smiley made a telephone call, which was recorded, to his mother from the Detention Center in which he stated that he knew Mr. Duffy would testify against him, which he wanted to prevent, and asked that his nephew, Keith "Heathcliff" Parker, get Mr. Duffy "out of the picture". Two months after Smiley's telephone calls, Mr. Duffy was murdered, for which Parker was indicted.

Smiley moved to suppress Green's identification, arguing that the identification was blighted by an impermissibly suggestive photo array as a result of the elongated appearance of the other men in the four photographs. The trial judge, however, did not find the array to be impermissibly suggestive under *Jones v. State*, 310 Md. 569, 530 A.2d 743 (1987), which articulates a two part test—first placing the burden on the defendant to show that the identification procedure was impermissibly suggestive, then, if such a showing is made, placing the burden on the State to prove that, even though suggestive, the identification was still reliable.

The trial judge also declined to review Green's identification of Smiley according to the guidelines promulgated by the New Jersey Supreme Court in *State v. Henderson*, 27 A.3d 872 (2001), in which that court articulated various factors for a trial judge to consider in making a suggestibility or reliability determination with respect to an eyewitness identification.

After Mr. Duffy's murder, the State noted its intent to introduce at trial Mr. Duffy's recorded statement, under Section 10-901 of the Courts and Judicial Proceedings Article of the Maryland Code (1974, 2012 Repl. Vol.), which permits admission of a hearsay statement if it is shown, by clear and convincing evidence, that the person against whom the statement is to be admitted engaged in wrongdoing to procure the witness's absence, as a result of Smiley's alleged procurement of Mr. Duffy's death. At the pretrial hearing, another inmate testified that, upon hearing of Mr. Duffy's death, Smiley was "relieved" that Mr. Duffy would not testify at trial and was "jumping up and down" in excitement and that Smiley had told him that Parker was involved with Mr. Duffy's murder. The hearing judge also took judicial notice of the case file that included Parker's indictment for the murder of Mr. Duffy. The hearing judge found that Smiley had specifically requested that Parker prevent Mr. Duffy from appearing at trial, that the inmate's testimony was credible and that Parker took part in Mr. Duffy's murder. The hearing judge concluded that the evidence showed, by a clear and convincing standard, that Smiley "engaged in, directed or conspired to commit the wrongdoing that procured the unavailability of Mr. Duffy" and, therefore, that Mr. Duffy's statement about seeing Smiley shoot Green was admissible at trial. Smiley was convicted of attempted first degree murder and other offenses and was sentenced to life imprisonment plus ten years. The Court of Special Appeals affirmed the admission of both Green's extrajudicial identification and Mr. Duffy's statement.

Held: Affirmed.

The Court of Appeals held that the elongation of the face and torso of four of the photographs in the photo array did not render the array impermissibly suggestive. The Court also declined to adopt the approach promulgated by the New Jersey Supreme Court in *Henderson*, because, said the Court, the *Jones* standard has been consistently reaffirmed in Maryland's appellate courts. With respect to expert testimony regarding an eyewitness identification, the Court further opined that its admissibility is governed by Maryland Rule 5-702 and *Bomas v. State*, 412 Md. 392, 987 A.2d 98 (2010), which together permit the introduction of such expert testimony if the trial court determines that it will be of appreciable help to the trier of fact. The Court, finally, in addressing Section 10-901 of the Courts and Judicial Proceedings Article for the first time, recounted its legislative history and observed that it had been enacted in the wake of the scourge of witness intimidation, harassment and violence in Maryland and, therefore, its use in this case was well within the legislature's contemplation. The Court, finally, noted that the evidence before the hearing judge—Smiley's telephone calls, Mr. Duffy's murder, Smiley's reaction thereto and Keith "Heathcliff" Parker's indictment—satisfied the clear and convincing standard and, therefore, the hearing judge did not abuse her discretion by admitting Mr. Duffy's statement.

State of Maryland v. Derrell Johnson, No. 53, September Term 2014, filed March 27, 2015. Opinion by Watts, J.

http://www.mdcourts.gov/opinions/coa/2015/53a14.pdf

FELONY MURDER – PREDICATE FELONY – MERGER FOR SENTENCING PURPOSES – REQUIRED EVIDENCE TEST – RULE OF LENITY

Facts:

The State, Petitioner, charged Derrell Johnson ("Johnson"), Respondent, and three other people with various crimes, including first-degree murder, kidnapping, robbery with a dangerous weapon, use of a handgun in the commission of a crime of violence or felony, and unlawfully wearing, carrying, or transporting a handgun. In the Circuit Court for Baltimore City ("the circuit court"), a jury tried Johnson and his three co-defendants. The jury convicted Johnson of, among other crimes, felony murder, kidnapping, and robbery. The circuit court sentenced Johnson, in relevant part, to life imprisonment for felony murder, twenty years' imprisonment concurrent for kidnapping, and ten years' imprisonment concurrent for robbery.

Johnson appealed and, in an unreported opinion, the Court of Special Appeals vacated the sentences for the convictions for kidnapping and robbery, determining that the rule of lenity required merger for sentencing purposes of the convictions for kidnapping and robbery with the felony murder conviction because it was unclear which felony was the predicate felony for the felony murder conviction. The Court of Special Appeals also vacated the sentences for the convictions for conspiracy to commit kidnapping and conspiracy to commit robbery with a dangerous weapon, and affirmed in all other respects. The State petitioned for a writ of *certiorari*, and the Court of Appeals granted the petition.

Held:

Reversed insofar as the Court of Special Appeals vacated the sentence for robbery. The judgment of the Court of Special Appeals was affirmed in all other respects.

The Court of Appeals held that, where a defendant is convicted of felony murder and multiple predicate felonies, only one predicate felony conviction merges for sentencing purposes with the felony murder conviction; and, absent an unambiguous designation that the trier of fact intended a specific felony to serve as the predicate felony, the conviction for the felony with the greatest maximum sentence merges for sentencing purposes.

The Court of Appeals held that the plain language of Md. Code Ann., Crim. Law (2002, 2012 Repl. Vol.) ("CR") § 2-201(a)(4) and the Court's case law made clear that only one predicate felony is required to support a felony murder conviction. The Court of Appeals held that,

because only one predicate felony is required to support a felony murder conviction, once the State proves a predicate felony and the death of the victim as a result of that felony, the crime of felony murder is complete, and, for the required evidence test's purposes, all of felony murder's elements have been satisfied such that the elements of any additional predicate felonies would be redundant. In other words, once the conviction for one predicate felony merges, application of the required evidence test does not result in further merger of convictions for other predicate felonies. The Court of Appeals also held that applying the rule of lenity does not result in the merger of more than one predicate felony with a felony murder conviction.

The Court of Appeals held that, in the absence of an unambiguous designation by the trier of fact, the predicate felony with the greatest maximum sentence merges for sentencing purposes with the felony murder conviction, and the defendant may be separately sentenced for any remaining predicate felonies. Applying that rule to the case, the Court of Appeals observed that the maximum sentence for kidnapping is thirty years' imprisonment and the maximum sentence for robbery is fifteen years' imprisonment; thus, kidnapping carried the greater maximum sentence. Accordingly, the Court of Appeals held that the conviction for kidnapping—the crime with the greater maximum sentence—merges for sentencing purposes with the felony murder conviction, and the sentence for robbery shall remain as imposed by the circuit court.

Terance Garner v. State of Maryland, No. 41, September Term 2014, filed March 27, 2015. Opinion by Watts, J.

http://www.mdcourts.gov/opinions/coa/2015/41a14.pdf

USE OF A HANDGUN IN THE COMMISSION OF A CRIME OF VIOLENCE OR ANY FELONY – UNIT OF PROSECUTION – MERGER – SENTENCING

Facts:

The State, Respondent/Cross-Petitioner, charged Terance Garner ("Garner"), Petitioner/Cross-Respondent, in the Circuit Court for Baltimore City ("the circuit court"), in Case Numbers 111031032 and 111031033, with various crimes, including attempted first-degree murder and attempted robbery with a dangerous weapon. In the circuit court, a jury tried Garner and his co-defendant. At trial, the victim testified that on the morning of December 18, 2010, as he was walking to work, Garner and the co-defendant stopped him asking for "weed." The victim feared the men might be armed; the victim ran and was hit by two bullets. Tthe victim could not continue running and sat down on the street between two vehicles. Garner and the co-defendant chased the victim, and Garner pointed a gun at the victim and demanded money. After the victim stated that he did not have any money, Garner shot the victim multiple times in the leg. The victim removed his jacket and emptied his pockets to show Garner that he did not have any money, but Garner asked: "[W]here is the money?" Garner shot the victim several more times, despite the victim's insistence that he did not have money. After the victim attempted to escape by jumping toward a truck, Garner approached the victim and shot the victim in the neck.

The jury convicted Garner, in Case Number 111031032, of attempted robbery with a dangerous weapon, first-degree assault, use of a handgun in the commission of a crime of violence, and unlawfully wearing, carrying, or transporting a handgun, and, in Case Number 111031033, of attempted first-degree murder, use of a handgun in the commission of a crime of violence, and unlawfully wearing, carrying, or transporting a handgun. The circuit court sentenced Garner to thirty years' imprisonment for attempted first-degree murder; twenty years' imprisonment consecutive for use of a handgun in the commission of a crime of violence, the first five years to be served without the possibility of parole; fifteen years' imprisonment concurrent for attempted robbery with a dangerous weapon; and one year imprisonment consecutive for the second conviction for use of a handgun in the commission of a crime of violence. For sentencing purposes, the conviction for first-degree assault merged with the conviction for attempted robbery with a dangerous weapon, and the two convictions for unlawfully wearing, carrying, or transporting a handgun merged with the two convictions for use of a handgun in the commission of a crime of violence.

Garner appealed, and, in an unreported opinion, the Court of Special Appeals affirmed, holding that the circuit court was correct in sentencing Garner to separate consecutive sentences for the two convictions for use of a handgun in the commission of a crime of violence. The Court of

Special Appeals observed that, under CR § 4-204(c)(1), a sentencing court is required to impose a minimum sentence of five years' imprisonment, but, "[f]or some reason, the [circuit] court in this case only imposed a one-year sentence[.]" The Court of Special Appeals reasoned, however, that, under the plain language of CR § 4-204(c)(2), the circuit court "did not impose an illegal sentence[.]"

Garner petitioned for a writ of *certiorari*, raising one issue: "Are separate consecutive sentences for use of a handgun in the commission of a crime of violence prohibited when a single handgun is used in committing two crimes against a single victim in one transaction?" The State conditionally cross-petitioned for a writ of *certiorari*, raising one issue: "Where the Court of Special Appeals correctly determined that the [circuit] court imposed an illegal sentence, but failed to correct that illegal sentence, should this Court correct the illegal nature of the sentence?" The Court of Appeals granted the petition and the conditional cross-petition..

Held:

Reversed insofar as the Court of Special Appeals affirmed the one-year sentence for the second conviction for use of a handgun in the commission of a crime of violence or any felony. The judgment of the Court of Special Appeals was affirmed in all other respects. The case was remanded for re-sentencing.

The Court of Appeals held that, under Md. Code Ann., Crim. Law (2002, 2012 Repl. Vol.) ("CR") § 4-204, imposition of separate consecutive sentences for two convictions for use of a handgun in the commission of a crime of violence or any felony is permissible where a defendant uses one handgun to commit two separate crimes of violence or felonies against one victim in one criminal transaction because the unit of prosecution is the crime of violence, not the victim or criminal transaction.

The Court of Appeals held that CR § 4-204(b)'s language is clear and unambiguous—a person may not use a handgun to commit a statutorily defined crime of violence or any felony. CR § 4-204(b) criminalizes the use of a handgun in any felony (without limitation on which felony) or in one of the statutorily defined crimes of violence (limiting the crime of violence to those defined by statute). It is the crime of violence or felony, not the victim or the criminal transaction, that forms the basis for the handgun conviction. Thus, a defendant may be convicted of, and sentenced for, use of a handgun in the commission of a crime of violence corresponding to each underlying felony or crime of violence of which the defendant is convicted. The Court of Appeals concluded that CR § 4-204(b)'s plain language demonstrated the General Assembly's intent to permit multiple convictions and sentences for each violation of CR § 4-204; in other words, CR § 4-204(b)'s plain language leads to the inescapable conclusion that CR § 4-204 authorizes a separate conviction and sentence for each felony or crime of violence.

The Court of Appeals held that so long as there is sufficient evidence to support the conviction for each underlying crime of violence, and a handgun was used in each, it is not dispositive that

the crimes of violence occurred during one criminal transaction or against one victim. The Court of Appeals determined that there was sufficient evidence to support Garner's convictions for attempted first-degree murder and attempted robbery with a dangerous weapon. Specifically, the facts demonstrated that Garner, while using a handgun, attempted to rob the victim by pointing the gun at the victim and shooting him while demanding money; and that Garner, while using a handgun, attempted to murder the victim by taking a final shot at the victim, wounding him in the neck, while the victim was hiding near the truck. The Court concluded that, because there was sufficient evidence to support Garner's convictions for attempted first-degree murder and attempted robbery with a dangerous weapon, both involving use of a handgun, there was sufficient evidence to support two convictions for use of a handgun in the commission of a crime of violence.

The Court of Appeals held that neither the required evidence test, the rule of lenity, nor the principle of fundamental fairness required merger for sentencing purposes of Garner's two convictions for use of a handgun in the commission of a crime of violence.

The Court of Appeals also held that the case should be remanded for re-sentencing because the circuit court imposed a sentence for the second conviction for use of a handgun in the commission of a crime of violence that was not permitted under CR § 4-204(c), and, thus, was an illegal sentence under Maryland Rule 4-345(a). Under CR § 4-204(c)'s plain language, a person who is convicted of use of a handgun in the commission of a crime of violence "shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years" and, for subsequent violations, "the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony." CR § 4-204(c)(1)(ii) clearly provides that "[t]he court may not impose less than the minimum sentence of 5 years[.]" The Court of Appeals concluded that the sentence of one year imprisonment consecutive for the second conviction of use of a handgun in the commission of a crime of violence was below the mandatory minimum of "not less than 5 years[,]" and, as such, it was an illegal sentence.

Joseph Antonio, et al. v. SSA Security, Inc. d/b/a Security Services of America, Misc. No. 1, September Term, 2014, filed March 2, 2015. Opinion by Harrell, J.

http://www.mdcourts.gov/opinions/coa/2015/1a14m.pdf

STATUTORY INTERPRETATION – MARYLAND SECURITY GUARDS ACT – EMPLOYER'S VICARIOUS LIABILITY

Facts:

Two security guard employees of SSA Security, Inc. ("SSA"), a security guard agency, and four of their confederates carried out a conspiracy to set fire to homes under construction in the Hunters Brook development in Charles County, Maryland. SSA had been hired previously by the builder/developer of Hunters Brook to provide security for the project while it was under construction. The arson was fueled by racial animus and a desire to prevent racial minorities from moving into the neighborhood. The resulting fires destroyed ten homes and damaged twelve others (some completed and some under construction), making it one of the worst residential arsons in Maryland history. Fortunately, no one was killed or injured as a result of the crimes.

As part of the conspiracy to set fire to the homes, Aaron Speed, an employee of SSA, left his guard post at the development on 3 December 2004 in order to stash fuel that would be used by the others to set fire to the homes. While on-duty, Speed created also a map of the neighborhood, indicating which houses were owned or contracted for by racial minorities.

William Fitzpatrick, the other SSA employee, was alleged also to have conspired to commit the arson. Fitzpatrick was on-duty guarding the development from 6:00 PM until 5:00 AM on December 5-6, but, according to Appellants, left his post early to leave the properties unguarded so that Speed and the other conspirators could commit the arson.

Appellants asserted ultimately various civil claims in the U.S. District Court for the District of Maryland against SSA, two of its corporate affiliates, and the five convicted arsonists (Fitzpatrick was not convicted). One of Appellants' theories of SSA's liability contended that Maryland Code (2000, 2010 Repl. Vol.), Business Occupations & Professions Article, § 19-501 (hereinafter the Maryland Security Guards Act § 19-501) established a basis for SSA's strict liability. § 19-501 provides: "A licensed security guard agency is responsible for the acts of each of its employees while the employee is conducting the business of the agency."

Deciding a motion for summary judgment filed by SSA, Judge Alexander Williams, Jr. of the U.S. District Court held that the Maryland Security Guards Act § 19-501 was merely a codification of the common law and did not expand the doctrine of respondeat superior, contrary to the plaintiffs' contentions regarding SSA's strict liability for Speed's and Fitzpatrick's intentional torts and civil rights violations. *Antonio v. Sec. Servs. of Am., LLC*, 701 F. Supp. 2d

749, 766 (D. Md. 2010). After concluding that any intentional acts of Speed and Fitzpatrick were, considering the facts in the light most favorable to Appellants, outside the scope of employment, Judge Williams granted SSA's motion regarding its liability under the Maryland Security Guards Act § 19-501. Judge Williams would grant later SSA's renewed motion for summary judgment regarding liability arising from SSA's direct negligence and its vicarious liability for its employee's negligence.

On appeal, Appellants asked the federal Court of Appeals for the Fourth Circuit to reverse the District Court's decisions: (1) granting summary judgment in SSA's favor as to the negligence claims; (2) granting summary judgment in SSA's favor as to the claims premised on strict liability under the Maryland Security Guards Act § 19-501; and, (3) denying the request to certify to us the question regarding the interpretation of the Maryland Security Guards Act § 19-501. The federal appellate court, after affirming the District Court's grant of summary judgment as to the negligence claims, certified to us the question regarding interpretation of the Maryland Security Guards Act.

Held:

The Maryland Security Guards Act § 19-501 codifies Maryland's common law doctrine of respondeat superior. Considering the ambiguity of the Maryland Security Guards Act § 19-501, its context in the Maryland Code, its legislative history, and the policy considerations of alternative interpretations, we conclude that the Legislature did not express a sufficiently clear intent to abrogate the common law.

COURT OF SPECIAL APPEALS

Sonia Kochhar v. Amar Nath Bansal, et al., No. 435, September Term 2014, filed February 27, 2015. Opinion by Eyler, Deborah S., J.

http://www.mdcourts.gov/opinions/cosa/2015/0435s14.pdf

SUBJECT MATTER JURISDICTION – AUTOMATIC STAY IN BANKRUPTCY – CIVIL ACTION VOID *AB INITIO*

Facts:

In the Circuit Court for Montgomery County, four plaintiffs – Amar Nath Bansal; Bina Bansal, his wife; Deepak Bansal, their son; and Shashi Jain, Bina's sister, the appellees – filed a civil action against two defendants – Baljit Kochar and her daughter, Sonia Kochhar, the appellant – alleging fraudulent transfers of real property. A few days before the civil action was filed, the defendants had filed bankruptcy petitions. The plaintiffs had not realized that the bankruptcy cases were pending when they filed the civil action. The parties abided by the automatic stay in bankruptcy. When the bankruptcy court dismissed both petitions, thereby terminating the stay, the appellant filed a motion to dismiss, arguing that the circuit court did not have subject matter jurisdiction over the civil action when it was filed, because the automatic stay was in effect and only the bankruptcy court had jurisdiction. The circuit court denied the motion to dismiss. Ultimately, a default judgment was entered and the appellant noted this timely appeal.

Held: Reversed.

The circuit court did not have subject matter jurisdiction over the civil action when it was filed, because the automatic stay of bankruptcy was in effect and jurisdiction was in the bankruptcy court. The civil action was void, not voidable, because there was no subject matter in the circuit court at the inception of the suit, and because there was no action taken by the bankruptcy court to annul the stay or to grant relief from the stay. Being void *ab initio*, the civil action remained void after the stay was terminated.

Jeffrey Walton v. Network Solutions, No. 1317, September Term 2013, filed February 26, 2015. Opinion by Reed, J.

http://www.mdcourts.gov/opinions/cosa/2015/1317s13.pdf

APPEAL – MOTION TO DISMISS

TELECOMMUNICATIONS – E-MAIL – FRAUD – FALSE OR MISLEADING INFORMATION ABOUT THE ORIGIN OR TRANSMISSION PATH

TELECOMMUNICATIONS – E-MAIL – FRAUD – FALSE OR MISLEADING INFORMATION IN SUBJECT LINE

MARYLAND CONSUMER PROTECTION ACT – STATUTE OF LIMITATIONS

APPEAL AND ERROR – FAILURE TO PRESERVE ARGUMENT

STATUTE OF LIMITATIONS – CONTINUING HARM DOCTRINE – CONTINUING INJURY – INAPPLICABLE TO MCPA CLAIM

Facts:

On March 7, 2013, appellant filed suit against a commercial company, appellee, in the Circuit Court for Montgomery County seeking statutory and injunctive relief. Appellant's complaint alleged that from 2009 to 2012, appellee sent numerous e-mails to him using "unavailable e-mail address[es] purporting to be legitimate and reachable." After appellant replied to appellee's e-mail message, he received the following message: "The mailbox to which you attempted to send your email is not monitored." Appellant asserted that appellee "initiated, conspired to initiate, and assisted in the transmission" of an advertisement via e-mail, and that the e-mails contained "'false or misleading information about the origin or the transmission path of the commercial electronic mail'" and that "[t]hey contain[ed] false information in the 'From' line and in the 'Received from' line[,]" violating the Maryland Commercial Electronic Mail Act ("MCEMA"). (quoting C.L. § 14-3002(b)(2)(ii)).

In setting forth his second MCEMA claim, appellant's complaint asserted that appellee "initiated, conspired to initiate, and assisted in the transmission" of an advertisement via e-mail, and that the "messages contained 'false or misleading information in the subject line that has the capacity, tendency, or effect of deceiving the recipient'" violating the MCEMA. (quoting C.L. § 14-3002(b)(2)(iii)).

Next, Appellant alleged that appellee violated the Maryland Consumer Protection Act ("MCPA"), because he was not removed from appellee's e-mail distribution list, despite his numerous efforts to "unsubscribe." Appellant spoke to an employee of appellee's in November 2009, and following appellant's request to "unsubscribe," the employee sent an e-mail to

appellant confirming that he was added to their Do Not Contact lists and that he would no longer receive e-mails from appellee after 7 - 10 days. Despite this assurance, appellant's exhibit reveals that he received an e-mail on December 1, 2009, and that he continued to receive e-mails from 2009 to 2011. Subsequently, appellant spoke to another employee of appellee's, but he continued to receive e-mails from 2011 to 2012.

On June 10, 2013, appellee filed a motion to dismiss for failure to state a claim pursuant to Rule 2-322(b), and a request for a hearing. On June 28, 2013, appellant filed an Opposition to the Motion to Dismiss and a Request for Hearing. Appellee then filed a reply in support of its motion to dismiss on July 3, 2013.

A hearing was held on August 7, 2013, and the circuit court entered an order granting the motion to dismiss with prejudice on the same day. The circuit court "considered all the papers that the parties . . . filed . . . together with the entire file[]" as well as "the arguments of counsel" for the purpose of determining whether to grant leave to amend. The circuit court dismissed the first MCEMA claim that appellee failed to provide truthful information about the origin or transmission of the path of the e-mail messages, because appellant failed to indicate what was false about the origin or transmission of the e-mail.

The circuit court also dismissed the second MCEMA claim that appellee's e-mails contained false or misleading information in the subject line. Similarly, the circuit court found that appellant did not indicate any false statement in the subject line of the e-mail. It explained that appellee was "making offers for things that it does," and determined, therefore, there was no falsity.

Finally, the circuit court held that appellant's MCPA claim that appellee made misrepresentations that had the capacity to deceive appellant was barred by the statute of limitations.

Held: Affirmed.

The circuit court did not convert the motion to dismiss into a motion for summary judgment where it expressly stated that it was considering facts outside of the pleading only in consideration of whether to grant appellant leave to amend the complaint.

An unreachable or unmonitored e-mail is not equivalent to a misrepresentation of any information identifying their points of origin or transmission paths, and therefore, the complaint failed to plead violations of MCEMA § 14-3002(b)(2)(ii).

Conclusory statements without factual allegations that e-mail's subject line contained false or misleading statements that had the capacity, tendency, or effect of deceiving the recipient is insufficient to support a violation of MCEMA § 14-3002(b)(2)(iii), where commercial company sent e-mails relating to the sale of internet domains, which is a part of the company's core business.

Appellant's civil action alleging violations of the MCPA was barred by the statute of limitations, because appellant failed to bring his action within the three-year statute of limitations period.

Appellant failed to preserve argument that the continuing harm doctrine applied to his MCPA claim, because it was not presented to the circuit court. Even if the argument was preserved, the continuing harm doctrine does not apply to MCPA claim, because the claim did not involve a nuisance, trespass, or continuous and ongoing duty or relationship justifying the accrual of the MCPA action to a further date.

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Susan DeGrange v. State of Maryland, No. 2586, September Term 2013, filed February 3, 2015. Opinion by Sharer, J.

http://www.mdcourts.gov/opinions/cosa/2015/2586s13.pdf

CRIMINAL LAW – FAILURE TO COMPLY WITH A PEACE ORDER – SUFFICIENCY OF THE EVIDENCE

Facts:

Police received a report that DeGrange was present in a house from which she had been barred pursuant to a peace order. Officers responded, found DeGrange present on the premises. She retreated inside the house and refused to leave, whereupon she was arrested and charged with a violation of Md. Code (2013 Repl. Vol.), Courts & Judicial Proceedings, § 3-1503(a). DeGrange asserted that, in order to convict her of violating the conditions of the peace order, the State was required to prove that she committed each of the acts proscribed by the order, not just one. The evidence went to the jury and DeGrange was convicted.

Held:

The evidence was sufficient to support the conviction for failure to comply with a peace order because DeGrange committed one of the acts proscribed by CJP § 3-1503(a). The State was not required to prove that she violated all of the proscribed acts.

Gary Ross Latray v. State of Maryland, No. 588, September Term 2013, filed February 25, 2015. Opinion by Raker, J.

http://www.mdcourts.gov/opinions/cosa/2015/0588s13.pdf

SENTENCING – MERGER – AGGRAVATED ROBBERY AND MAKING A FALSE STATEMENT CONCERNING A DESTRUCTIVE DEVICE

Facts:

Gary Ross Latray, appellant, was convicted in the Circuit Court for Garrett County of robbery with a dangerous weapon, robbery, second-degree assault, theft of property having a value less than $1,000, representing a destructive device and making a false statement about a destructive device. Appellant robbed a shoe store by handing the store clerk a note that claimed he had a bomb in a box that he placed on the counter. The note indicated that the clerk was to give appellant all the money within 30 seconds and that she was not to call the police for 30 minutes otherwise appellant would blow up the store. He took money and a pair of boots from the store. Because of the bomb threat, the area had to be evacuated. A bomb technician was summoned to inspect the box and suspected initially that the box could indeed be a bomb, but concluded upon further examination that the box was not a bomb. The store clerk identified appellant as the assailant from a photographic array.

Following a jury trial, appellant was convicted of robbery with a dangerous weapon, robbery, second-degree assault, theft of property having a value less than $1,000, representation of a destructive device by placing a device purporting to be a bomb with the intent to threaten and making a false statement concerning a destructive device. The court did not merge appellant's convictions of aggravated robbery and making a false statement concerning a destructive device for sentencing purposes.

Held: Affirmed.

Appellant contended on appeal that his conviction for making a false statement concerning a destructive device should merge with his conviction for aggravated robbery. He advanced three theories of merger, including the required evidence test, the rule of lenity and principles of fundamental fairness.

The Court of Special Appeals held that appellant's convictions for aggravated robbery and making a false statement concerning a destructive device did not merge. First, the Court held that because the offenses each require proof of a fact that the other does not, they do not merge under the required evidence test. Next, because there is no indication that the Legislature intended to merge aggravated robbery and making a false statement concerning a destructive

device, the rule of lenity does not apply to merge appellant's convictions. Finally, the Court of Special Appeals held that merger based on fundamental fairness depends on the factual circumstances of a given case and consideration of the harm that the offenses at issue are intended to punish. The Court held that aggravated robbery and making a false statement concerning a destructive device do not merge even though the robbery was perpetrated by means of the false bomb threat because the offenses are wholly distinct and the underlying circumstances support the fact that each offense resulted in a separate harm. Under these circumstances, fundamental fairness does not support or require merger.

Michelle Hobby v. John Burson, No. 2409, September Term 2013. Opinion filed on February 27, 2015 by Berger, J.

http://www.mdcourts.gov/opinions/cosa/2015/2409s13.pdf

MORTGAGES – FEDERAL HOUSING ADMINISTRATION INSURED LOANS – LOSS MITIGATION PROCEDURES – COMPLIANCE WITH 24 C.F.R. § 203.604

Facts:

On April 13, 2009, Appellant Michelle Hobby ("Hobby") refinanced her home with a mortgage from Freedom Mortgage Corporation ("Freedom")secured by a deed of trust on the property. The deed of trust contained a clause indicating that the mortgage was insured by the Federal Housing Administration ("FHA") and was therefore subject to certain regulations of the Secretary of the U.S. Department of Housing and Urban Development ("HUD"), including 24 C.F.R. § 203.604.

Several months after refinancing her home with the mortgage from Freedom, Hobby defaulted due to her failure to remit several required payments to Freedom. Thereafter, Hobby requested that Freedom modify her loan. In connection with Hobby's request for a loan modification, a representative of Freedom visited the mortgaged property on February 27, 2010. Prior to this date, Freedom had unsuccessfully attempted to contact Hobby via telephone. Hobby was not home when the representative arrived, so the representative spoke with Hobby's neighbors and left a contact letter on the front door of Hobby's residence.

On October 29, 2010, Freedom sent Hobby a notice of intent to foreclose on the mortgaged property along with a loss mitigation application, pursuant to applicable Maryland law. Subsequently, Hobby and Freedom participated in a foreclosure mediation session. During this mediation, Freedom agreed not to proceed with the foreclosure until it had reviewed, and acted upon, Hobby's application for a loan modification.

Ultimately, Hobby's request for a loan modification was denied. She, therefore, elected to file a motion to stay or dismiss the foreclosure proceedings commenced by Freedom. In her motion, Hobby maintained that Freedom had failed to comply with 24 C.F.R. § 203.604(b) by neglecting to afford Hobby an opportunity to engage in face-to-face mediation prior to the initiation of foreclosure proceedings. Nevertheless, the substitute trustees held a foreclosure sale on May 21, 2013 at which Freedom purchased Hobby's property.

The Circuit Court for Prince George's County entered an order on June 5, 2013, granting Hobby's motion to stay or dismiss. The substitute trustees moved to vacate the order dismissing their foreclosure case, as the foreclosure sale had already occurred. The circuit court granted the substitute trustees' motion, vacated its June 5, 2013 order, and set a hearing on Hobby's motion

to stay or dismiss. The circuit court denied Hobby's motion to stay or dismiss, in addition to a set of exceptions to the foreclosure sale that Hobby had filed.

This appeal followed.

Held: Affirmed.

The Court of Special Appeals held that the circuit court appropriately declined to dismiss the foreclosure case because Freedom had complied with the requirements of 24 C.F.R. § 203.604.

The text of 24 C.F.R. § 203.604 provides that a "mortgagee must have a face-to-face interview with the mortgagor, or make a reasonable effort to arrange such a meeting, before three full monthly installments due on the mortgage are unpaid." 24 C.F.R. § 203.604(b). Therefore, compliance with the regulation does not require a face-to-face interview, provided a reasonable effort has been made to arrange such an interview and said effort is unsuccessful. To constitute a "reasonable effort" under 24 C.F.R. § 203.604, a mortgagee must send "a minimum of one letter" to the mortgagor and "make at least one trip to see the mortgagor at the mortgaged property." 24 C.F.R. § 203.604(d).

The Court of Special Appeals agreed with the reasoning of the Circuit Court for Prince George's County that Freedom had complied with the requirements of 24 C.F.R. § 203.604 by making a "reasonable effort" to arrange a face-to-face interview with Hobby before initiating foreclosure proceedings. The Court of Special Appeals was particularly persuaded by a field contact sheet submitted into evidence by Freedom, which included time-stamped photographs bearing the February 27, 2010 date. This field contact sheet detailed Freedom's visit to the mortgaged property on February 27, 2010 and included a photograph of a letter Freedom had left for Hobby at the mortgaged property on the same date. By certifying delivery of a letter to Hobby and making a trip to see Hobby at the mortgaged property, Freedom made a "reasonable effort," as defined by 24 C.F.R. § 203.604, to arrange a face-to-face interview with Hobby before initiating foreclosure proceedings on October 29, 2010.

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ATTORNEY DISCIPLINE

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By an Opinion and Order of the Court of Appeals dated March 2, 2015, the following attorney has been indefinitely suspended:

SHERON ANDREA BARTON

*

By an Opinion and Order of the Court of Appeals dated March 4, 2015, the following attorney has been indefinitely suspended:

MIRA SUGARMAN BURGHARDT

*

By an Order of the Court of Appeals dated March 4, 2015, the following attorney has been indefinitely suspended by consent:

RONALD ALLEN WRAY

*

By an Order of the Court of Appeals dated March 13, 2015, the following attorney has been disbarred by consent:

RICHARD DONALD McNALLY

*

This is to certify that the name of

CAROLYN M. HOLT

has been replaced upon the register of attorneys in this state as of March 26, 2015.

*

This is to certify that the name of

ESTHUS CHRISTOPHER AMOS

has been replaced upon the register of attorneys in this state as of March 26, 2015.

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RULES ORDERS AND REPORTS

A Rules Order pertaining to Categories 2 through 16 and the Supplement to the One Hundred Eighty-Sixth Report of the Standing Committee on Rules of Practice and Procedure was filed on March 2, 2015.

http://www.mdcourts.gov/rules/rodocs/ro186supp.pdf