Circuit Court for Anne Arundel County
Case No. C-02-CV-23-001534

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 243

September Term, 2024

IN THE MATTER OF
CHARLES POLLARD

Wells, C.J.,
Leahy,
Hotten, Michele D.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Leahy, J.

Filed: December 17, 2025

Appellant Charles Pollard, an adult offender serving a life sentence, filed a *pro se* petition for administrative mandamus in the Circuit Court for Anne Arundel County, challenging the decision of appellee Maryland Parole Commission (the "Parole Commission" or the "Commission") to refuse his parole and reconsider him for parole in June 2026. The circuit court denied his petition.

In this timely appeal, Pollard, again acting *pro se*, presents the following question for our review: "Did the Circuit Court Wrongly Affirm the Maryland Parole Commission's Decision to Refuse Parole?" For the reasons explained below, we agree with the decision of the circuit court and affirm the judgment.

BACKGROUND

On May 11, 1994, Pollard was sentenced to life imprisonment for first-degree rape.[1] The record shows that the underlying crime was committed in February 1993, when Pollard was 33 years old.

On June 29, 2023, Pollard came before a two-commissioner panel for his fifth parole hearing. The hearing transcript reflects that the panel and Pollard discussed, among other things, the circumstances surrounding Pollard's rape conviction, his involvement in the Maryland Correctional Enterprises ("MCE"), [2] his substance abuse history and

[1] The record indicates that the sentence began to run on February 15, 1993.

[2] MCE is an organization within the Maryland Division of Corrections to provide, among other things, "meaningful work experiences for incarcerated individuals that are intended . . . to improve [their] work habits, attitudes, and skills for the purpose of improving the employability of the incarcerated individuals on release[.]" *See* Md. Code

(Continued)

rehabilitation efforts, his demonstration of remorse, letters and recommendations in support of parole, and his home plan. Pollard's overall criminal record was also reviewed, including his separate rape conviction in Virginia. Pollard acknowledged that there was at least one active detainer in Virginia,[3] which he believed was for "6 years or something" of backup time.

At the end of the hearing, the panel announced that it would deny Pollard's parole and rehear his case in June 2026. The panel stated that it appreciated Pollard for "not having any infractions[,]" "working with . . . MCE[,]" and "admitting and showing remorse" for the crime for which he was convicted and currently serving time. However, the panel explained that his home plan was "all over the place" and "generalized," and Pollard was advised to "flush [the home plan] out a little bit more[.]" The Parole Commission subsequently issued a written decision, scheduling a rehearing in June 2026 and providing, in relevant parts, as follows:

> Mr. Pollard admits and showed remorse for his crime. Mr. Pollard needs to work to frim [*sic*] up a home plan, work, housing, treatment, and transportation. Mr. Pollard needs to continue with [Narcotics Anonymous]/ [Alcoholic Anonymous] and victim awareness. Mr. Pollard need[s] to understand the panels [*sic*] request and act on these directions.

On July 26, 2023, Pollard filed a petition for administrative mandamus in the Circuit Court for Anne Arundel County. After a hearing on March 11, 2024, the circuit court

(1999, 2025 Repl. Vol.), Correctional Services Article ("CS") § 3-502(2); *see also Harker v. State Use Indus.*, 990 F.2d 131, 132 (4th Cir. 1993).

[3] The panel observed that there were several other detainers for him, but Pollard denied having any knowledge of these, stating, "This is all new to me."

signed and entered a hearing sheet as a court order, providing, in relevant part, as follows: "Petitioner heard. Counsel S. Baron heard on behalf of Respondent Maryland Parole Commis[s]ion. Court DENIED Petitioner's Petition for an Administrative Mandamus." This appeal followed.

DISCUSSION

A. Parties' Contentions

Before this Court, Pollard requests that the "Parole Commission's Order/Decision be reversed and remanded back" to the circuit court with a mandate "to give [him] a new parole hearing." Pollard claims that he was denied a fair hearing, citing multiple remarks made by a panel member that he claims were "not true," "not exact[,]" and "demonstrat[ed] the blatant disregard for decorum." Pollard also claims that the panel "violated Maryland law and [his] right to a fair and just parole hearing" by, according to Pollard, announcing that he would need "six out of ten commissioners . . . to make parole." Pollard contends the panel's statement was incorrect because Senate Bill 202, which is codified at Maryland Code (1999, 2025 Repl. Vol.), Correctional Services Article ("CS") § 7-307(c), effective January 6, 2022,[4] "mandates that the en banc review is only mandated for lifers who are

[4] CS § 7-307(c) provides:

> For an incarcerated individual who has been sentenced to life imprisonment after being convicted of a crime committed on or after October 1, 2021, at least six affirmative votes are required to approve the incarcerated individual for parole, based on consideration of the factors specified in § 7-305 of this subtitle.

See also Chapter 30, 1st Spec. Sess., Laws of Maryland 2021 (Senate Bill 202).

convicted on or after October 1st, 2021[,]" and therefore does not apply to him. Additionally, Pollard challenges the panel's determination that, although he submitted letters from family members who agreed to let him stay with them, he did not have a sufficiently specific home plan.[5]

The State counters that "Pollard is not entitled to administrative mandamus because he cannot identify any 'substantial right' that was affected by the decision of the Parole Commission to decline to grant him parole." The State highlights that "people serving sentences in Maryland do not have a right to parole" and that they "do not have a liberty interest in parole." Further, although the State recognizes that Pollard may have "a limited constitutional right to correct misinformation in a parole file[,]" it contends that the panel did not rely on inaccurate information in denying his parole.

The State also rejects Pollard's claim that the panel "improperly considered him for parole under [CS] § 7-307(c)[.]" The State points out that the panel did not rely on CS § 7-307(c), but rather considered Pollard's request for parole under CS § 7-307(a) and (b). Thus, the State says, the panel was simply "evaluating whether to refer the matter for en banc consideration" as permitted under the Code of Maryland Regulations ("COMAR") 12.08.01.23A(1).

[5] Although Pollard does not expressly make this argument in his appellate brief, he reproduces a portion of his circuit court hearing transcript, where he appears to raise such argument. We observe that "[i]t has become our practice to construe liberally filings by *pro se* inmates, particularly when the statute involved is remedial[,]" *Douglas v. State*, 423 Md. 156, 182 (2011).

B. Administrative Mandamus

It is well-established that "[a] statute must authorize judicial review for the circuit court to have authority over a petition for judicial review from an administrative agency's order or action." *A.C. v. Md. Comm'n on Civ. Rts.*, 232 Md. App. 558, 572 (2017). However, no Maryland statute governing the grant or denial of parole expressly provides for judicial review of such a decision. *See Farmer v. State*, 481 Md. 203, 214 n.7 (2022) ("The parole statute does not provide for a right to judicial review."). Indeed, the Administrative Procedure Act, codified at Maryland Code, § 10-201 *et seq.* of the State Government Article ("SG") (2021), which governs judicial review of an administrative agency's decisions, expressly provides that it "does not apply to . . . the Maryland Parole Commission[.]" SG § 10-203(a)(3)(iv).

Where, as here, no statutory authorization provides for judicial review, administrative mandamus may be available "[i]n the rare case where mandamus is appropriate to review a discretionary agency action[.]" *Bd. of Pub. Works v. K. Hovnanian's Four Seasons at Kent Island, LLC*, 443 Md. 199, 223 (2015). Administrative mandamus "serves as a substitute for an action for judicial review . . . when neither statute nor local law creates a right of judicial review of a quasi-judicial order or action of an administrative agency." *Reese v. Dep't of Health & Mental Hygiene*, 177 Md. App. 102, 144 n.21 (2007); *see also* Md. Rule 7-401(a) (explaining that an administrative mandamus action provides "for judicial review of a quasi-judicial order or action of an administrative agency where review is not expressly authorized by law").

Our decisional law has emphasized mandamus as "an extraordinary remedy[.]" *Matter of White*, 451 Md. 630, 650 (2017) (citation and quotation marks omitted). Therefore, the power to grant a writ of mandamus "ought to be exercised with great caution." *Balt. Cnty. v. Balt. Cnty. Fraternal Ord. of Police Lodge No. 4*, 439 Md. 547 (2014) (citation and quotation marks omitted). Maryland Rule 7-403 outlines a list of circumstances under which a court may issue a writ of administrative mandamus:

> The court may issue an order denying the writ of mandamus, or **may issue the writ (1) remanding the case for further proceedings, or (2) reversing or modifying the decision if any substantial right of the plaintiff may have been prejudiced** because a finding, conclusion, or decision of the agency:
>
> (A) is unconstitutional,
> (B) exceeds the statutory authority or jurisdiction of the agency;
> (C) results from an unlawful procedure,
> (D) is affected by any error of law,
> (E) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted,
> (F) is arbitrary or capricious, or
> (G) is an abuse of its discretion.

Md. Rule 7-403 (emphasis added). If a party seeking administrative mandamus fails to demonstrate that a substantial right has been prejudiced by the agency's action, there is no claim upon which relief can be granted. *Perry v. Dep't of Health & Mental Hygiene*, 201 Md. App. 633, 641 (2011); *see also Barson v. Md. Bd. of Physicians*, 211 Md. App. 602, 618-19 (2013) (noting that an individual may not bring a petition for administrative mandamus unless he or she can show the denial of "a clear legal right or protected interest") (citing *Perry*, 201 Md. App. at 637).

C. Maryland's Parole Framework

Maryland law defines "parole" as a "a conditional release from confinement granted by the [Parole] Commission to an incarcerated individual." CS § 7-101(h). The Parole Commission is a unit within the Department of Public Safety and Correctional Services, and consists of ten commissioners. CS §§ 7-201, 202. Under Maryland's statutory scheme, the Parole Commission has the "exclusive power" to, among other things, "authorize the parole of an individual sentenced under the laws of the State to any correctional facility in the State" and "hear cases for parole or administrative release in which . . . the inmate is serving a sentence of life imprisonment[.]" CS §§ 7-205(a)(1) and (3)(iii).

COMAR supplements "[t]he Parole Commission's statutory authority and administrative policy regarding parole for inmates serving life sentences[.]" *Lomax v. Warden*, 120 Md. App. 314, 319-20 (1998), *aff'd*, 356 Md. 569 (1999). Under COMAR, a parole-eligible inmate who serves a sentence of six months or longer for a violent crime committed before October 1, 1994, is entitled to a parole hearing unless, after a review, the Parole Commission decides that "no useful purpose would be served by a hearing." COMAR 12.08.01.17A(1)(c). A parole hearing is an informal, private interview of the inmate. Accordingly, "[f]ormal presentations by an attorney, relatives, and others interested are not permitted at the parole hearing[.]" COMAR 12.08.01.18C(1).

For an inmate who is serving a life sentence for a crime committed prior to October 1, 2021, the parole hearing is conducted by a panel of two commissioners. COMAR 12.08.01.17A(7)(f). The two-commissioner panel must "determine, by unanimous vote,

whether the inmate is suitable for parole[.]" CS § 7-307(b)(1)(i). In doing so, the panel must consider enumerated statutory factors under CS § 7-305.[6] The panel must also inform the inmate of its decision at the end of the parole hearing, COMAR 12.08.01.18E(1), and then prepare and serve "a written copy of [the] panel's decision" upon the inmate, COMAR 12.08.01.18E(2). However, the panel is not bound "as to when, exactly, it must or must not grant parole." *McLaughlin-Cox v. Md. Parole Comm'n*, 200 Md. App. 115, 125 (2011).

[6] Section 7-305 provides the following list of factors that the panel must consider:

(1) the circumstances surrounding the crime;
(2) the physical, mental, and moral qualifications of the inmate;
(3) the progress of the inmate during confinement, including the academic progress of the inmate in the mandatory education program required under § 22-102 of the Education Article;
(4) a report on a drug or alcohol evaluation that has been conducted on the inmate, including any recommendations concerning the inmate's amenability for treatment and the availability of an appropriate treatment program;
(5) whether there is reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law;
(6) whether release of the inmate on parole is compatible with the welfare of society;
(7) an updated victim impact statement or recommendation prepared under § 7-801 of this title;
(8) any recommendation made by the sentencing judge at the time of sentencing;
(9) any information that is presented to a commissioner at a meeting with the victim;
(10) any testimony presented to the Commission by the victim or the victim's designated representative under § 7-801 of this title; and
(11) compliance with the case plan developed under § 7-301.1 of this subtitle or § 3-601 of this article.

CS § 7-305. In this appeal, Pollard does not contend that the panel failed to consider any of these statutory factors in denying his parole.

D. Analysis

No Constitutionally-Protected Liberty Interest

Turning to Pollard's contentions on appeal from the denial of his petition for administrative mandamus, we must decide whether any "substantial right" is implicated in the Parole Commission's decision to deny Pollard's parole. *Perry*, 201 Md. App. at 637. If so, then we must determine whether the decision was legally correct, supported by substantial evidence, and was neither arbitrary or capricious nor an abuse of discretion. Md. Rule 7-403.

The Fifth Amendment to the United States Constitution, which applies to the States through the Fourteenth Amendment, provides that no person shall "be deprived of life, liberty, or property, without due process of law." U.S. CONST. amend. V.; *see also* Md. Decl. Rts. art. 24 ("[N]o man ought to be . . . deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land."). This constitutionally-protected liberty interest must arise from "a legitimate claim of entitlement[,]" rather than an "abstract need or desire" or a "unilateral expectation[.]" *Greenholtz v. Neb. Penal Inmates*, 442 U.S. 1, 7 (1979).

The United States Supreme Court recognized in *Greenholtz* that "[t]here is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence." *Id.* However, the Court allowed that the language of a statute "can vest a liberty interest in prisoners if the language creates 'a protectible expectation of parole.'" *McLaughlin-Cox*, 200 Md. App. at 120 (quoting *Greenholtz*, 442

U.S. at 11) (emphasis omitted). The Supreme Court has directed that "[w]hatever liberty interest exists [in parole] is . . . a *state* interest." *Swarthout v. Cooke*, 562 U.S. 216, 220 (2011).

Determining whether a state parole statute provides an inmate with a constitutionally protectible interest requires a case-by-case analysis. *See, e.g.*, *Greenholtz*, 442 U.S. at 12 (interpreting the Nebraska parole statute); *Bd. of Pardons v. Allen*, 482 U.S. 369, 376 (1987) (interpreting the Montana statute); *Paoli v. Lally*, 812 F.2d 1489, 1493 (4th Cir. 1987) (holding that an inmate "has no constitutionally protected entitlement to have a parole rehearing scheduled" under Maryland law). In *Greenholtz*, the Supreme Court held that Nebraska's parole statute entitled prisoners to "some measure of constitutional protection" by creating an "expectation of parole." 442 U.S. at 11, 12. In so holding, the Court highlighted the "unique structure and language" of the statute, especially its use of the word "shall." *Id.* at 11-12. The Supreme Court later clarified in *Allen* that in deciding that the Nebraska statute created a constitutionally protected liberty interest, the *Greenholtz* Court "found significant its mandatory language—the use of the word 'shall'—and the presumption created—that parole release must be granted unless one of four designated justifications for deferral is found." *Allen*, 482 U.S. at 374 (holding that Montana's parole statute, "like the Nebraska statute, uses mandatory language ('shall') to 'creat[e] a presumption that parole release will be granted' when the designated[ ] findings are made").

In contrast to the statutes in *Greenholtz* and *Allen*, however, "the Maryland parole statute does not create a legitimate expectation of parole release." *Bryant v. Maryland*, 848 F.2d 492, 493 (4th Cir. 1988). In *Lomax*, this Court rejected a habeas corpus petitioner's argument that the Governor's pronouncement regarding parole for "lifers" violated his due process right to a "meaningful parole consideration hearing" under Maryland's parole statute, then codified at Title 4 of Article 41 of the Maryland Code (1957, 1997 Repl. Vol.). 120 Md. App. at 328. Specifically, we observed that an inmate's "expectation of parole recommendation is nothing more than a 'mere anticipation or hope of freedom'" and "a desire for a parole recommendation . . . does not create a constitutionally protected liberty interest in parole release." *Id.* (citation omitted). Rather, "[i]t is the order of parole . . . from which the liberty interest flow[s]." *Id.* (citation and quotation marks omitted). Thus, we held that, under Maryland's parole framework, "the inmate has no due process right to parole or a parole hearing, and thus, has no liberty interest in meaningful parole consideration" until served with an order for parole. *Id.* at 329-30.

More recently, in *McLaughlin-Cox*, 200 Md. App. at 119, we rejected a mandamus petitioner's argument that the Parole Commission violated his right to due process, finding that he lacked a legally cognizable liberty interest. In distinguishing the Nebraska statute in *Greenholtz* from the Maryland parole statute, we explained:

> In *Greenholtz*, a single negative finding removed any possibility of parole, so that release followed if and only if all four factors favored the prisoner. Parole in Maryland, by contrast, is not explicitly conditioned on some particular combination of findings. This is to say that none of the factors of CS § 7-305—either independently or in some particular combination—is a necessary or sufficient condition of release. Instead, the

> factors are weighed against each other and taken as an undifferentiated but informative whole. Moreover, individual factors such as the circumstances surrounding the crime and victim impact statement give no objective direction as to how those factors should be considered, leaving commissioners with wide discretion in their ultimate determinations.

Id. at 124. We also noted that even though the words "must" and "shall" were used in other parts of the Maryland parole statute, they only direct the Parole Commission "to *consider* the factors and to *issue a written* decision as prescribed," and do not instruct the Commission "as to when, exactly, it must or must not *grant parole*." *Id.* at 124-25. Accordingly, finding that Maryland law "does not create a liberty interest protected by the Fifth and Fourteenth Amendments" in an inmate's parole determination, we affirmed the circuit court's denial of petition for a writ of mandamus. *Id.* at 125.

Our holdings in *Lomax* and *McLaughlin-Cox* are controlling. There is no claim upon which administrative mandamus can be granted because Pollard cannot show a constitutionally-protected liberty interest in parole.[7] *Lomax*, 120 Md. App. at 328; *see Perry*, 201 Md. App. at 633 (holding that the petitioner did not have a substantial right to

[7] Until recently, the Maryland parole statute expressly provided that a parole-eligible inmate serving "a term of life imprisonment may be paroled only with the Governor's approval." Maryland Code (2017 Repl. Vol. & 2021 Supp.), CS §§ 4-305(b)(3), 7-301(d)(4). Thus, in *Lomax*, 120 Md. App. at 328, this Court observed that "even a parole recommendation itself[ ] does not create a constitutionally protected liberty interest in parole release" because, even if an inmate "receives a recommendation, the recommendation is still subject to the approval of the Governor." The requirement of the Governor's approval was removed by Senate Bill 202, effective January 6, 2022. *See* Chapter 30, Laws of Maryland 2021; *Farmer v. State*, 481 Md. 203, 210 (2022). However, because Pollard was not recommended for parole, we need not address today whether, in light of this amendment, a Parole Commission's recommendation for parole may create a protectable liberty interest in that recommendation for the prisoner.

her promotion even though she had "been given an opportunity to apply, offered an interview, and considered for the position"). Pollard does not articulate any other "clear legal right or protected interest" that was denied by the Parole Commission that would warrant a writ of administrative mandamus. *Barson v. Md. Bd. of Physicians*, 211 Md. App. 602, 618-19 (2013); *see also Perry*, 201 Md. App. at 641 (concluding that the petitioner "failed to state a case upon which relief could be granted" where she could not demonstrate prejudice to a substantial right). Because Pollard failed to sufficiently identify a substantial right prejudiced by the Parole Commission's decision, we hold that the circuit court properly declined to issue a writ of administrative mandamus under Rule 7-403.

No error or abuse of discretion

We continue our analysis to clarify that even if Pollard had a substantial right to parole, he failed to show that the Parole Commission made an error of law or that its decision was arbitrary or capricious or not supported by substantial evidence. Md. Rule 7-403. As previously noted, Pollard contends that: (1) one of the panel members made "inaccurate" and "indecorous" comments during his parole hearing; (2) the panel committed a legal error by applying CS § 7-307(c), which is applicable only for "lifers who are convicted on or after October 1st, 2021"; and (3) the panel found that his home plan was not specific enough, without giving sufficient weight to letters from his family members.

With regard to the panel member's comments, "[w]e begin our analysis . . . with the presumption of impartiality." *Matter of HRVC Ltd. P'ship*, 266 Md. App. 391, 438 (2025).

The Supreme Court of Maryland has instructed that, where a party to a judicial or quasi-judicial proceeding alleges bias or lack of impartiality, the appropriate test is "an objective one which assumes that a reasonable person knows and understands all the relevant facts." *Regan v. State Bd. of Chiropractic Examiners*, 355 Md. 397, 411 (1999). Here, Pollard's claim of bias rests entirely upon remarks that the panel member made about facts she was learning as the hearing progressed. However, according to the United States Supreme Court, "expression of impatience, dissatisfaction, annoyance, and even anger, [ ] are within the bounds of what imperfect men and women . . . sometimes display." *Liteky v. United States*, 510 U.S. 540, 555 (1994); *United States v. Richardson*, 796 Fed. Appx. 795, 800 (4th Cir. 2019) (explaining that such expressions "virtually never establish bias or partiality"). Thus, even if the panel member's comments during the parole hearing were rude and indecorous—absent further showing—we do not conclude that Pollard was denied a fair hearing.

We disagree with Pollard's claim that the panel committed legal error by retroactively applying CS § 7-307(c) when the panel member stated that Pollard would need six commissioners' votes for his parole release. Pollard is correct that his parole consideration is not subject to CS § 7-307(c), as he was sentenced to life imprisonment for a crime committed before October 1, 2021. *See* CS § 7-307(c) (requiring "at least six affirmative votes" from the Parole Commission to approve parole of an inmate "who has been sentenced to life imprisonment after being convicted of a crime committed on or after

October 1, 2021"). However, the transcript lays bare that Pollard has taken the panel member's statement out of context and has misconstrued its meaning.

The governing law, as specified in COMAR 12.08.01.17A(7)(f), provides that, "[a] parole release hearing for a prisoner serving a sentence of life imprisonment shall be conducted by a panel of two Commissioners and, if they agree to recommend the granting of parole, *the case shall be presented by the panel to the Commission en banc*." (Emphasis added). In turn, COMAR 12.08.01.23A(2) defines a quorum for "en banc panel" as "[a] majority of all members then serving on the Commission" and provides, "[t]he decision of the Commission shall be the majority vote of all the member serving on the [en banc] panel." *See also* CS § 7-202(a)(1) ("The Commission consists of ten members."). Therefore, if the two-commissioner panel agreed to recommend granting Pollard's parole, he would still need a majority vote of as many as ten commissioners—meaning six, if all commissioners are present.

The record establishes that the panel correctly understood this requirement and appropriately explained it to Pollard. At the outset of the hearing, the panel explained:

> If we think you're still an appropriate person for release then what we'll do is what's called a preliminary, a Pre Parole Life Investigation that's done by a detective or investigator that's employed by the Department of Corrections. . . . That report comes back to us, **if in fact we still think you're the appropriate person, we take you before the entire Commission [which] is total of ten people. You'd have to simply get a majority of those people that are meeting. So if all ten of us were there, you'd have to get six of us to, six to vote for you.**

(Emphasis added). Then, when announcing its decision to deny Pollard's parole, the panel stated:

> **The other thing is we have to recommend you to an entire Commission For release**. . . . The two of us would have to advocate, one can also do it. **But you have to be able to convince a majority of the Commission, and there are ten of us, so that requires six,** that you are someone who they're willing to take a risk on because parole is about weighing risk and our job is to release people on parole[.]

(Emphasis added). By stating that the entire Parole Commission consists of a "total of ten people" and Pollard would need six votes "*if all ten of us* were there," the panel made clear that Pollard may be approved for parole by fewer than six commissioners' votes—a scenario that would be impossible under CS § 7-307(c). Accordingly, we conclude that the panel did not commit an error of law in considering Pollard's parole.

Finally, we hold that the panel could reasonably find Pollard's home plan to be "generalized" and lacking in sufficient details. During the hearing, Pollard expressed that he wanted "to be an instructor somewhere" upon release but acknowledged that he does not have any type of certifications to be an instructor. In the alternative, Pollard stated that he would "[p]robably work for [his] home church" in Virginia and do "[w]hatever is needed[,]" When asked how he was going to locate necessary support services, Pollard's answer was similarly vague, as he stated, "[b]ecause I been locked up so long, you know, they would help me with the internet and stuff like that to be able to find appropriate programs." Significantly, Pollard admitted that there was an active detainer for him in Virginia, but his home plan did not address that issue. Overall, the record contains sufficient evidence to support the Parole Commission's factual findings, and therefore, we defer to these findings, regardless of the contrary evidence that Pollard claims to have presented at the hearing. *See Singley v. Cnty. Comm'rs of Frederick Cnty.*, 178 Md. App.

658, 675 (2008) (explaining that reviewing courts will affirm an agency's factual findings supported by substantial evidence, "even if there is substantial evidence to the contrary") (citation omitted).

In sum, even if Pollard could demonstrate prejudice to a substantial right resulting from the denial of parole, the record establishes that substantial evidence exists to support the Parole Commission's findings and conclusions, and that the Commission's decision was not arbitrary or capricious nor based upon an erroneous conclusion of law. *See* Md. Rule 7-403. Therefore, we affirm the judgment of the circuit court.

JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANT.