

Circuit Court for Montgomery County
Case No. C-15-CR-24-001437

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 0290

September Term, 2025

JAMES ANTONIO HARPER

v.

STATE OF MARYLAND

Friedman,
Graeff,
Raker, Irma S.
(Senior Judge, Specially Assigned),

Opinion by Raker, J.

Filed: May 18, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This case involves the Interstate Agreement on Detainers (IAD), Maryland Code (1999, 2017 Repl. Vol.), § 8-401-411 of the Correctional Services Article.¹ Appellant, James Antonio Harper, entered a conditional guilty plea to two counts of third-degree sex offense in the Circuit Court for Montgomery County. He presents the following question for our review:

“Did the trial court err in denying Mr. Harper’s motion to dismiss for failure to bring him to trial within 180 days in violation of Correctional Services Section 8-405(a)?”

Finding no error, we shall affirm the judgment of the circuit court.

I.

A Grand Jury for the Circuit Court for Montgomery County indicted appellant on charges of sexual abuse of a minor, two counts of second-degree rape, and four counts of third-degree sexual offense. Appellant entered a conditional guilty plea to two counts of third-degree sex offense. The court imposed a term of incarceration of four years, with time served for a federal sentence he was serving, to run consecutive to that sentence, followed by five years of supervised probation.

In February 2024, appellant was serving a sentence at FCI Petersburg in Virginia when he was informed of a new case against him in Montgomery County after Montgomery County lodged an arrest warrant as a detainer against appellant. The facts of the underlying crimes are irrelevant here.

¹ All subsequent statutory references herein shall be to Md. Code, Correctional Services Article.

Appellant intended to invoke his rights under the IAD. Corr. Servs. § 8-405(a) provides the proper procedure:

“Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, the prisoner shall be brought to trial within 180 days after the prisoner shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer’s jurisdiction written notice of the place of the prisoner’s imprisonment and the prisoner’s request for a final disposition to be made of the indictment, information, or complaint; provided that for good cause shown in open court, the prisoner or the prisoner’s counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.”

Appellant wrote a motion, captioned “Motion for Speedy Trial or Speedy Disposition of Warrants, Information, Detainers, Indictments, or Warrants,” a written request for the disposition of the charges. The District Court of Maryland for Montgomery County received the motion on May 10, 2024. As required by Corr. Servs. § 8-405(a), the motion included the place of appellant’s imprisonment. Attached was a “Detainer Action Letter,” which was signed by a Correctional Systems Officer. On May 19, 2024, the court added an order directing the court’s clerk to “[s]end notice of this request to the [State’s Attorney’s Office] – Court cannot order transport.” It is unclear whether this request was followed. The State maintains it did not receive this communication.

After three months without updates, appellant sent another request, this time to the State’s Attorney’s Office, which was received August 1, 2024. On August 5, 2024, Cathie Pugliese of the Montgomery County State’s Attorney’s Office sent an internal email titled “An UNOFFICIAL IAD request” which described appellant’s request and the State’s Attorney’s Office’s request that appellant sign official documents, which were not included in the request:

“Good afternoon, I received the attached informal IAD request for disposition from federal inmate James Harper.

I did call the prison where he is incarcerated & the Records Officer told me he would bring this inmate in to sign OFFICIAL IAD docs.

I’m going to call back next week to see if that has been done,

in the meantime, I wanted to give you the heads up about the case-since we are now on notice where this defendant is located. If an official request is not going to be done, we can always initiate the process, but when the State initiates we have less time in which to try the case.”

On September 12, prison officials had appellant sign two forms: (1) “IAD – Notice of Untried Indictment,” and (2) “IAD – Place of Imprisonment.” The prison officials also signed these two forms, as well as two others: (1) “IAD – Certificate[] of Inmate Status,” and (2) “Offer to Deliver[] Temporary Custody.” The forms were mailed out by the prison in October. The State’s Attorney’s Office received the forms on October 16, 2024. The Certificate of Inmate Status form listed appellant’s sentence as expiring on 6/22/2029, whereas appellant’s request listed the expiration date as 10/26/2027. Appellant was transported to Montgomery County, where he was indicted. Trial was set for April 7, 2025.

Appellant filed a Motion to Dismiss, arguing that the State failed to bring him to trial within 180 days of August 1, 2025, the triggering date, in his view, the State and the court were on notice of appellant’s request. The State countered that the initial request it received on August 1 was not compliant with statutory requirements because it did not contain the required certificate, and the 180-day clock did not start until October 16, 2024, when it received the signed paperwork required by Corr. Servs. § 8-403. Under this timeframe, the 180-day clock was not violated. The State completed its paperwork within a week of receiving the documents. The court denied the motion, finding that the State promptly acted on appellant’s August 1 motion and tried to get the required paperwork filed. The court also found that appellant’s August 1 request was not substantial compliance with the statute.

This timely appeal followed.

II.

Before this Court, appellant argues that the trial court erred in denying his motion to dismiss for failure to bring appellant to trial within 180 days of August 1, 2024, in violation of Corr. Servs. § 8-405(a). Appellant asserts that the appropriate authorities had *actual notice* of appellant’s intent to invoke the IAD on August 1, 2024, when the State received appellant’s substantially compliant written request. The request included written notice of his place of imprisonment and his request for final disposition. Appellant maintains that failing to file a certificate of the appropriate official does not prevent an inmate from invoking their IAD rights when the appropriate authorities otherwise have

actual notice. Appellant asserts that the prison’s failure to mail the forms for over two months constituted undue delay which violated its mandatory duties to activate the IAD.

The State argues that the circuit court properly denied appellant’s motion to dismiss under the IAD. The State maintains that it complied with appellant’s IAD rights because his case reached final disposition within 180 days of October 16, 2024. The State agrees that the August 1 motion provided the State with actual notice but argues that it did not constitute substantial compliance. The request was sent directly by appellant, not by state officials, and, significantly, it did not include the required certified information from the correctional officers. Appellant’s formal request, accompanied by the required certificate, was received on October 16, 2024, and it was this request that constituted substantial compliance. Appellant’s trial, therefore, did not breach the 180-day clock. Moreover, the State argues that there is no evidence the authorities intentionally delayed preparing and sending appellant’s forms to the State’s Attorney’s Office and that there is no evidence of undue delay. A mailing period of 35 days is not unreasonable.

III.

The court in *State v. Meadows*, 261 Md. App. 464, 470 (2024) articulated the purpose behind and the process of the IAD, stating as follows:

“[The IAD] gives prisoners incarcerated in one state the right to request the prompt disposition of charges filed against them in another state.

Once a prisoner invokes the IAD to request the disposition of the charges pending in another state, the charging state has 180 days to commence the trial. The burden of bringing the prisoner to trial falls on the charging state.

If that state fails to bring the prisoner to trial within 180 days, the IAD requires that the charges be dismissed with prejudice.”

Appellant and the State dispute the applicable standard of review. We agree with appellant that the standard is *de novo* because there are no facts in dispute:

“The propriety of the Circuit Court’s dismissal of the charges hinges on whether that court correctly interpreted and applied the IAD to the facts before it. As the facts are not in dispute, we have only to decide whether the court was legally correct in its interpretation of the law.”

Meadows, 261 Md. App. at 474-75 (internal citations omitted).

The IAD requires that the request is formulated in a particular, formal manner:

“[B]efore the interstate agreement is invoked, the prisoner must make a request for final disposition of his case in the appropriate manner. Upon receipt of the proper statutory notice, the State is expected to see that the case is actually tried within the 180 days, but this period does not begin to run until the prisoner’s notice and request are actually received by both the appropriate prosecuting officer and court.”

Hines v. State, 58 Md. App. 637, 650 (1984) (internal citations omitted).

It is undisputed that appellant’s August 1 request did not satisfy the formal requirements of Corr. Servs. § 8-405(a) because the request was sent directly by appellant rather than state officials and it did not contain the “certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.” Corr. Servs. § 8-405(a). Appellant argues that the State was provided with actual knowledge of appellant’s request, which

served as valid substantial compliance to the statute, and that the missing certificate therefore does not prevent appellant from invoking his rights.

Appellant cites *State v. Barnes*, 273 Md. 195 (1974), in which the Court held that a request under the *Intrastate Agreement on Detainers* was valid, despite the fact that the copy of the request sent to the trial court was not sent by certified mail, because both the State’s Attorney and the appropriate court had actual notice of the request. *Id.* at 210-211. The case *sub judice* is distinguishable. In *Barnes*, the request was not missing any certified information or forms; the only statutory defect was the lack of certified mail. Here, appellant failed to submit the required forms in his August 1 request and failed to have the request sent by prison officials. Moreover, appellant overreads *Barnes*. In its holding, the Court wrote as follows:

“We have held that while failure to comply with the statutory requirements of notice may sometimes be fatal (jurisdictionally), the requirement of notification purposed to inform may be satisfied by proof of actual notice; this is especially true when the knowledge has been acted upon without reliance upon the defects in the notice. . . . The technical nonconformity on the part of personnel at the House of Correction in failing to cause delivery to the ‘appropriate court’ by certified mail cannot be here permitted to cause a forfeiture of the legal rights of the respondent under the statute.”

Id. at 210-11. The Court, however, expressly cabined this holding:

“We do not suggest, however, that any such liberal construction to effectuate the purposes of the statute should absolve proof by competent evidence of those conditions precedent necessary for bringing the provisions of the statute into play. . . . The applicability of each of the statutes is predicated upon knowledge by the prisoner of the nature and content of the filed detainer and the delivery of his written request-with accompanying statements from the warden-to the State’s Attorney and the appropriate court in the jurisdiction where the charge is pending, that a final disposition be made of that charge.”

Id. at 209.

The Court continued to express the importance of the request containing the requisite paperwork. The Court in *Hines* similarly cabined *Barnes*'s holding. In *Hines*, the court held that a general motion for a speedy trial is not the same as a request for disposition under the IAD. *Hines*, 58 Md. App. at 651. The Court rejected appellant's argument that he provided actual knowledge that he was invoking the act and that the notice was sufficient:

“Appellant relies on *State v. Barnes*, 273 Md. 195, 328 A.2d 737 (1974), to support his argument that when the State's Attorney and the ‘appropriate court’ have actual knowledge that a prisoner is invoking the act, even though the notice is defective, failure to bring the prisoner to trial within the prescribed time will result in dismissal of the indictment. *Barnes*, however, involved the Intrastate Detainers Act, Md. Code Ann. art. 27, § 616S, where the required certificate of the person having custody of the prisoner, setting forth detailed information as to the prisoner's status, is significantly less important to the State's Attorney than a certificate under the Interstate Agreement would be.”

Id. at 650-51.

The court held that, because the State's Attorney did not receive appellant's attachments or exhibits and because the documents were never examined, the State's Attorney did not have actual knowledge of appellant's intent to invoke the IAD: “the court did not err in denying appellant's motion to dismiss for the alleged violation of the IAD because . . . appellant did not properly invoke the IAD and there was no actual notice to the State's Attorney. There was no violation.” *Id.* at 651.

The case *sub judice*, an *Interstate Agreement* case, is more similar to *Hines* than to *Barnes*. Even though the State may have had actual notice of appellant's request on August

1, under *Hines* and *Barnes*, the certified information is nonetheless required. To trigger the IAD, appellant’s request needed to contain the proper certified information which the August 1 request lacked.

Appellant cites *Wise v. State*, 30 Md. App. 207 (1976), another case dealing with the *Intrastate* Agreement on Detainers. In that case, the Court held as follows:

“The somewhat technical requirement of having the institution file the inmate status form should not prevent the inmate from invoking his rights where he has made his demands clear. We hasten to add, however, that our decision today should in no way be interpreted to allow a prisoner to knowingly fail to comply with all the statutory requirements for the purpose of ambushing the authorities. This case, however, is not one in which *Wise* wanted his demand to be on file and did not want anyone to know it was a proceeding under the Intrastate Detainer Act. . . . Where, however, the proper authorities have actual knowledge of the inmate’s intention they cannot ignore the demand because of a technical deficiency. We do not find it too great a burden to require the State to either proceed with the disposition of the case *or inform either the inmate or the institution of the deficiency.*”

Id. at 212. (emphasis added).

In the case *sub judice*, the State’s Attorney’s Office complied fully with *Wise* by informing the institution that appellant’s request was insufficient. After Ms. Pugliese called the prison, the prison refiled a compliant request. The State did not ignore appellant’s request but rather acted appropriately to ensure proper process.

We agree with the State that there is no evidence that unreasonable delay prevented the speedier delivery of the September 12 forms to the State’s Attorney’s office.

**JUDGMENT DENYING APPELLANT’S
MOTION TO DISMISS IN THE CIRCUIT
COURT FOR MONTGOMERY COUNTY
AFFIRMED. JUDGMENTS OF**

**CONVICTIONS AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**