Circuit Court for Baltimore County
Case No. 03-K-01-000932

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 425

September Term, 2025

ANTHONY MICHAEL MUNIZ

v.

STATE OF MARYLAND

Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 31, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

In 2001 Anthony Michael Muniz, appellant, was charged in the Circuit Court for Baltimore County with one count of violating an ex parte order, one count of disorderly conduct on public property, and one count of disorderly conduct on the land of another, arising from the same incident. Appellant received probation before judgment on the charge of violating an ex parte order, and the remaining charges were nolle prossed. In 2025, appellant filed a petition for expungement of those charges, which the court denied following a hearing. Appellant raises a single issue on appeal: whether the court erred in denying his petition for expungement. For the reasons that follow, we shall affirm.

As an initial matter, appellant appears to contend that the court relied on an erroneous rationale to deny his petition, noting that the State cited an inapplicable statute in its opposition to his petition, and that the court did not provide an explanation for denying his petition in its final order. However, our ability to consider this specific contention is constrained by the fact that appellant has not provided a copy of the transcript of the hearing on his expungement petition. In *Kovacs v. Kovacs*, 98 Md. App. 289 (1993), the Court held that the party asserting error has the burden to show "by the record" that an error occurred. *Id.* at 303. Indeed, "[t]he failure to provide the court with a transcript warrants summary rejection of the claim of error." *Id.* Judges are presumed to know the law and apply it correctly. *State v. Chaney*, 375 Md. 168, 179 (2003). Thus, in the absence of a transcript demonstrating otherwise, appellant cannot overcome this presumption, and we may summarily reject his claim for that reason.

But even if the court relied on the wrong statutory provision, we would not reverse because appellant is not eligible for an expungement. Although a person who receives a

probation before judgment is generally entitled to file an expungement petition, *see* Crim. Proc. Art. § 10-105(a)(3), that person is not entitled to expungement if "the petition is based on the entry of probation before judgment . . . and the person within 3 years after the entry of the probation before judgment has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime[.]" Crim. Proc. Art. § 10-105(e)(4)(i). The record reflects that within three years after having received the probation before judgment, appellant was convicted of two counts of Driving While Impaired and one count of Unauthorized Use of a Motor Vehicle. Those offenses remain crimes and are not minor traffic violations. Consequently, appellant was ineligible for an expungement on the charge of violating an ex parte order.

Finally, appellant was also ineligible for expungement of the two disorderly conduct charges that were nol prossed. Because those charges arose "from the same incident, transaction, or set of facts" as the violation of an ex parte order, all three charges are "considered to be a unit." Crim. Proc. Art. § 10-107(a)(1). And if "a person is not entitled to expungement of one charge or conviction in a unit" they are "not entitled to expungement of any other charge or conviction in the unit." Crim. Proc. Art. § 10-107(b)(1).

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.