Circuit Court for Baltimore City
Case Nos.: 309202013, 609085014,
910076035

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 640

September Term, 2021

IN RE: T.C.

Wells, C.J.,
Leahy,
Eyler, Deborah S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wells, C.J.

Filed: May 3, 2022

Appellant, T.C., appeals the Circuit Court for Baltimore City's decision denying her motion for modification of her juvenile delinquency dispositions. T.C. asks this Court the following question: "Did the circuit court abuse its discretion in denying the motion to modify the disposition?" For the reasons we shall discuss, we answer in the negative and affirm.

BACKGROUND

In 2009 and 2010, when T.C. was 16 and 17, the juvenile court entered three separate delinquency findings against T.C. Specifically, in April of 2009, when T.C. was 16, she admitted to possession of cocaine and was placed on a six-month period of probation. Eight months later, police responded to a fight and found her "physically overpowering another girl." T.C. admitted to second-degree assault. She was ordered to attend anger management counseling and was again placed on probation. Lastly, in April of 2010, when T.C. was 17, the court found her involved as to the charge of theft under $1,000. The court again imposed probation, ordered T.C. to attend the Shoplifter's Abatement Program, and complete one hundred hours of community service. In October of 2010, the court rescinded the order of probation and terminated jurisdiction over T.C., as she was then eighteen years old.

In 2021, T.C. filed a motion to modify the disposition of the delinquency findings under former Maryland Rule 11-116.[1] Specifically, T.C. requested the court to strike each of the delinquency findings and enter findings of non-delinquency so that T.C.'s records may be eligible for expungement. T.C. seeks expungement of her delinquency findings to become eligible to apply for a handgun permit. T.C. explains that due to her current juvenile record, she is not eligible to apply for a handgun permit until after her thirtieth birthday, pursuant to Md. Code Ann., Pub. Safety § 5-306(c).[2]

In T.C.'s motion to modify disposition, T.C. asserted that modifying her dispositions was in her best interest because "if [she] can get her juvenile record expunged, [she] would be eligible for a handgun permit, can begin working as an armed security guard, and can supplement her income to better support her family, and perhaps work fewer hours[.]" Specifically, T.C. stated that she works full-time for Watkins Security, and that with a handgun permit, she would seek a promotion as an armed security guard. T.C. added that her request was also in the best interest of the public, as it would "help her earn more money to best support those that depend on [her], and it will further cement [T.C.] as a responsible member of her community here in Baltimore." Moreover, she asserted that,

[1] Although titled as a "Motion to Modify Disposition[,]" both parties agree that in substance, T.C.'s filing was in fact a motion to vacate delinquency findings, the denial of which is a final, appealable order. *In re Leslie M.*, 305 Md. 477, 478 (1986).

[2] This section provides that an applicant under 30 is not qualified if "adjudicated delinquent by a juvenile court for: (i) an act that would be a crime of violence if committed by an adult; (ii) an act that would be a felony in this State if committed by an adult; or (iii) an act that would be a misdemeanor in this State that carries a statutory penalty of more than 2 years if committed by an adult." Md. Code Ann., Pub. Safety § 5-306(c)(2).

"[i]n the eleven years since [she] was adjudicated delinquent, she has maintained consistent employment, sought career advancement, and supported her children."

The court denied T.C.'s motion:

> The Court having considered the request of [T.C.'s counsel], the counsel for respondent(s) for its Motion to Modify Disposition, and there appearing not to be good cause therefore, the request is hereby DENIED.

T.C. timely filed her appeal.

STANDARD OF REVIEW

This Court has stated that, "[a] decision regarding disposition is committed to the discretion of the trial judge and will be reversed only if there has been an abuse of discretion." *In re W.Y.*, 228 Md. App. 596, 608 (2016). An abuse of discretion occurs "'where no reasonable person would take the view adopted by the [trial] court,' or when the court acts 'without reference to any guiding rules or principles.'" *Pickett v. State*, 222 Md. App. 322, 331 (2015) (*quoting Nash v. State*, 439 Md. 53, 67 (2014) (further citation omitted)). A circuit court may abuse its discretion when its decision is "'well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.'" *Gray v. State*, 388 Md. 366, 383 (2005) (*quoting Dehn v. Edgecombe*, 384 Md. 606, 628 (2005)).

DISCUSSION

T.C. contends that the court erred when it denied her motion and when it stated that there was not "good cause" to modify her juvenile delinquency findings. Specifically, T.C. asserts that "the conclusory phrase that there was no 'good cause' both failed to articulate

the reasons why the court believed there was no good cause and applied the incorrect legal standard."

The State responds that the court's denial of T.C.'s motion was properly within the court's discretion, as T.C.'s request was not one by a juvenile or within a juvenile delinquency proceeding, but a request to "reach back and eradicate delinquency findings from years ago, because those findings, in a roundabout way, prevent her from applying for a handgun permit[.]" Further, the State maintains that the court's use of the term "good cause" applied the correct legal standard and adequately explained the basis of the judge's decision.

Maryland recognizes "a separate system for juvenile offenders, civil in nature[.]" *In re Victor B.*, 336 Md. 85, 91 (1994). That system is governed by the Juvenile Causes Act, Md. Code Ann., Cts. & Jud. Proc. ("CJP") §§ 3-8A-01 *et. seq*. (the "Act"), and "guided generally by principles of protection and rehabilitation of the individual rather than a societal goal of punishment and retribution." *Moore v. Miley*, 372 Md. 663, 672-73 (2003). The enumerated purposes of the Act focus on the best interests of both the child and the public, including:

> (1) To ensure that the Juvenile Justice System balances the following objectives for children who have committed delinquent acts:
>
> > (i) Public safety and the protection of the community;
> >
> > (ii) Accountability of the child to the victim and the community for offenses committed; and
> >
> > (iii) Competency and character development to assist children in becoming responsible and productive members of society[.]

CJP § 3-8A-02(a). The Act provides that it should be "liberally construed[.]" CJP § 3-8A-02(b). However, it "should not be construed so broadly as to create the possibility of 'results that are unreasonable, illogical, or inconsistent with common sense.'" *In re Roger S.*, 338 Md. 385, 393 (1995) (quotation marks and citations omitted). Lastly, the Act allows juvenile records to be expunged if certain conditions are met – namely, if the juvenile "has not been adjudicated delinquent more than once[.]" CJP § 3-8A-27.1(c)(3).[3]

After a juvenile is adjudicated delinquent, former Md. Rule 11-116(a) permitted[4] a court to modify or vacate juvenile delinquency dispositions "if the court finds that action to be in the best interest of the child or the public[.]" The court could do so on petition of either party, or *sua sponte*:

> The court may [modify or vacate a delinquency disposition] on its own motion, or on the petition of any party or other person, institution or agency having supervision or custody of the respondent, setting forth in concise terms the grounds upon which the relief is requested. If the court proceeds on its own motion, the order shall set forth the grounds on which it is based.

Md. Rule 11-116(b).

[3] This condition prevents T.C., who has been adjudicated delinquent three times, from expunging her juvenile records. The State argues that T.C. also does not meet the condition of CJP § 3-8A-27.1(c)(6)(i), which prohibits a juvenile delinquent of "an offense that, if committed by an adult, would constitute… [a] crime of violence[.]" CJP § 3-8A-27.1(c)(6)(i). However, that provision specifically defines crimes of violence as those "as defined in § 14-101 of the Criminal Law Article[,]" – a section which does not enumerate second-degree assault (or any of T.C.'s juvenile delinquency findings) as crimes of violence. Accordingly, CJP § 3-8A-27.1(c)(6) does not apply under these facts.

[4] During the parties' briefing before this Court, the Court of Appeals rescinded and replaced Title 11 of the Maryland Rules. *Court of Appeals Standing Committee on Rules of Practice and Procedure*, Rules Order, 208th Report (2021). As part of that change, Md. Rule 11-116 was reenacted with changes as Rule 11-423. All references to Md. Rule 11-116 herein refer to the prior iteration of the rule, which governs this appeal.

Here, the court denied T.C.'s motion and explained that she had not shown good cause to modify her dispositions. T.C. maintains that the court abused its discretion, relying primarily upon *Torbit v. State*, 102 Md. App 530 (1994). However, T.C.'s reliance on *Torbit* for the proposition that the court abused its discretion is misplaced. There, this Court considered whether the circuit court must state its reasoning behind denying a motion to waive prepaying of filing fees. The circuit court in that case denied a request for waiver of filing fees without any explanation for its denial – stating only that the motion was "'Denied the 27th day of January, 1994[.]'" *Id*. at 536.

On appeal, this Court stated that the ruling was "not a sufficient explanation from which we can determine whether the circuit court abused its discretion in denying appellant's motion." *Id*. Nonetheless, we explained that the court's duty to explain its reasoning "should not be an onerous one":

> The requirement that a court must state its reasons for denying an application for waiver of filing fees and costs should not be an onerous one. A lengthy statement is not necessary; a brief, one line notation, such as "affidavit does not show that applicant is indigent," or "complaint is patently meritless [or frivolous]" will normally suffice.

Id. at 537.

Contrary to the facts in *Torbit*, here, the court explained its reason for denying T.C.'s motion: T.C. had not shown good cause to vacate her delinquency findings. We agree with the State that this was a sufficient explanation for the court's ruling. Nothing within *Torbit* or Md. Rule 11-116 required the court to set forth additional grounds upon which its ruling was based or "explain why or how it came to" its decision. Indeed, *Torbit* made plain that "[a] lengthy statement is not necessary[.]" 102 Md. App. at 537. While the court was

required to set forth its grounds if proceeding on its own, the rule provided that, "[i]n all other cases, the court may grant or deny the relief, in whole or in part, without a hearing." Md. Rule 11-116(c). This Court has long held that the circuit court is "not obliged to spell out in words every thought and step of logic[.]" *Beales v. State*, 329 Md. 263, 273 (1993). *See also John O. v. Jane O.*, 90 Md. App. 406, 429 (1992), *abrogated on other grounds by Wills v. Jones*, 340 Md. 480 (1995) (holding that, "[t]he fact that the court did not catalog each factor and all the evidence which related to each factor does not require reversal.") We cannot say that the court's "brief, one line notation" – specifically contemplated by *Torbit* – was an abuse of discretion.

Further, T.C. maintains that the court abused its discretion in denying her motion "because T.C. demonstrated that it was in the best interest of her and the community" to modify her dispositions. What T.C. fails to acknowledge is that the rule provided that the court "may" modify or vacate a juvenile delinquency finding "if the court finds that action to be in the best interest of the child or the public[.]" Md. Rule 11-116(a). Even had the court found that modifying or vacating T.C.'s delinquency findings was in T.C. or the public's best interests, the court was not *required* to modify her findings. *Bd. of Physician Quality Assur. v. Mullan*, 381 Md. 157, 166 (2004) ("The word "may" is generally considered to be permissive, as opposed to mandatory, language.") Balancing the goals of the juvenile justice system, including T.C.'s interest in vacating her delinquency findings, and "[p]ublic safety and the protection of the community[,]" the court determined that T.C.'s delinquency findings should not be vacated. CJP § 3-8A-02(a). We cannot say that

this decision was "well removed from any center mark imagined" by this Court. *Gray*, 388 Md. at 383.

Finally, as the State points out, T.C.'s request was not a motion filed by a juvenile or one within the course of a juvenile delinquency proceeding, but one more than ten years after the juvenile court terminated jurisdiction over T.C. She has provided no support for her attempted use of Md. Rule 11-116 to vacate decade-old delinquency findings, and this Court is not aware of any. *See In re Elrich S.*, 416 Md. 15, 22 (2010) (considering a motion to vacate by a juvenile four months after his juvenile delinquency findings); *In re Julianna B.*, 179 Md. App. 512, 545 (2008), *vacated as moot*, 407 Md. 657 (2009) (considering a third motion to modify filed within eighteen months after the juvenile delinquency finding); *see also In re Leslie M.*, 305 Md. at 478 (holding that a "judge presiding over juvenile causes has the authority to vacate a prior order adjudicating a child to be delinquent after the successful completion of a period of probation.") We are not convinced that "'no reasonable person would take the view'" that T.C.'s delinquency findings should not be vacated. *Pickett*, 222 Md. App. at 331.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY AFFIRMED. APPELLANT TO PAY THE COSTS.