Circuit Court for Baltimore City
Case Nos.: 611178012 & 611080015

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 676

September Term, 2021

IN RE: J.C.

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

JJ.

Opinion by Wells, C.J.

Filed: May 3, 2022

Appellant, J.C., appeals the Circuit Court for Baltimore City's decision denying his motion for modification of his juvenile delinquency dispositions. J.C. asks this Court the following question: "Did the circuit court abuse its discretion in denying the motion to modify disposition?" For the reasons we shall discuss below, we answer in the negative, and affirm.

BACKGROUND

In 2011, when J.C. was fifteen, he admitted to being involved in felony motor vehicle theft and was placed on one year of probation. Several months later, J.C. admitted to being involved in misdemeanor possession of heroin and again was placed on one year of probation. J.C. thereafter admitted to violating his probation by missing four appointments with his probation officer. He was placed on community detention with electronic monitoring, and a disposition hearing was set for one month later. J.C. appeared at that disposition hearing after being detained for five days for violating his community detention. At the disposition hearing, the court committed J.C. to services in the community, including substance abuse counseling, completion of the Choice Program,[1] an anger management program, and participation in the Department of Juvenile Services' Family Functional Therapy. J.C.'s cases were sealed pursuant to statute on his twenty-first birthday.

[1] The Choice Program is a non-profit organization at the University of Maryland, Baltimore County. The program's goals "are to disentangle young people from the juvenile justice system and to strengthen youth and family ties to the community through increased educational and vocational opportunities." THE CHOICE PROGRAM AT UMBC, https://choice.umbc.edu/about-choice/overview/ (last visited Apr. 18, 2022).

In 2019, J.C. petitioned to expunge his juvenile records associated with the motor vehicle theft disposition. The State objected. In 2020, the court issued an order denying the petition with prejudice pursuant to Md. Code. Ann., Cts. & Jud. Proc. § 3-8A-27.1(c)(6)(iii), explaining that, "[J.C.] was adjudicated delinquent for Unauthorized Use – Felony (Auto-Theft), an offense that, if committed by an adult, would constitute a felony."

In 2021, J.C. filed a motion to modify the disposition of both delinquency findings under former Maryland Rule 11-116.[2] Specifically, J.C. requested the court to strike the delinquency findings and enter findings of non-delinquency so that J.C.'s records may be eligible for expungement. J.C. seeks expungement of his delinquency findings to become eligible to apply for a handgun permit. J.C. explains that due to his current juvenile record, he is not eligible to apply for a handgun permit until after his thirtieth birthday, pursuant to Md. Code Ann., Pub. Safety § 5-306(c).[3]

In J.C.'s motion to modify disposition, J.C. asserted that modifying his dispositions was in his best interest because "doing so will allow [him] to protect his family." J.C. stated that his request was also in the best interest of the public, as it would "relieve a burden on and potential barriers facing him, and help him care for himself and the community."

[2] Although titled as a "Motion to Modify Disposition[,]" both parties agree that in substance, J.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).

[3] 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).

Further, J.C. asserted that, in the near decade since he was adjudicated delinquent, he has "diligently worked towards his goals, and maintained consistent employment, while seeking career advancement, helping in his community, and supporting his family."

The court denied J.C.'s motion:

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

J.C. timely filed his appeal.

STANDARDS 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

J.C. contends that the circuit court erred when it denied his motion to modify disposition and when it stated that there was not "good cause" to modify his juvenile delinquency findings. Specifically, J.C. asserts that "the conclusory phrase that there was

no 'good cause' both failed to articulate the reasons why the circuit court believed there was no good cause, and applied the incorrect legal standard."

The State responds that the court's denial of J.C.'s motion was properly within the court's discretion because J.C.'s request was not one by a juvenile or within a juvenile delinquency proceeding, but a request to "reach back and eradicate a delinquency finding from years ago, because that finding, in a roundabout way, prevents him 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[,]" and, has "not been adjudicated delinquent for an offense that, if committed by an adult, would constitute" a felony. CJP § 3-8A-27.1(c)(3), (6)(iii).

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).

Here, the court denied J.C.'s motion to modify disposition and explained that he had not shown good cause to do so. J.C. maintains that the court abused its discretion, relying

[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.

primarily upon *Torbit v. State*, 102 Md. App 530 (1994). However, J.C.'s reliance *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 requirement that a court provide 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 J.C.'s motion: J.C. had not shown good cause to vacate his 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. While the court was required to set forth its grounds if proceeding on its own motion, 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, J.C. maintains that the court abused its discretion in denying his motion "because J.C. demonstrated that it was in the best interest of him and the community" to modify his dispositions. What J.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 J.C.'s delinquency findings was in J.C. or the public's best interests, the court was not *required* to do so under the rule. *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 J.C.'s interest in vacating his delinquency findings, and "[p]ublic safety and the protection of the community[,]" the court determined that J.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, J.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 eight

years after J.C.'s most recent delinquency finding. J.C. has provided no support for his attempted use of Md. Rule 11-116 to vacate two almost decade-old delinquency findings and we are 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 J.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.