

Circuit Court for Howard County
Case No.: C-13-CV-24-000130

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0734

September Term, 2024

POLAIAH RAO KODA

v.

RAGHU RAMI REDDY SANIKOMMU, *et al.*

Friedman,
Kehoe, S.,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: July 1, 2025

*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 is a dispute between family members about allegedly stolen personal property. Appellant Polaiah Rao Koda (“Brother”) sued his brother-in-law and sister, appellees Raghu Rami Reddy Sanikommu (“Brother-in-Law”) and Karuna Koda (“Sister”), seeking to recover possession of gold and other belongings that he alleged they had taken from him. After a successful replevin trial in the District Court of Maryland, sitting in Howard County, Brother fired his attorney and proceeded *pro se* at a detainee trial in the Circuit Court for Howard County. The circuit court ultimately found that he failed to prove his case. Brother then retained new counsel and moved for a new trial, but the circuit court denied his motion.

Brother appealed, presenting three questions for our review, which we rephrase as follows:¹

1. Did the circuit court abuse its discretion in not *sua sponte* issuing a continuance?
2. Did the circuit court abuse its discretion in terminating Brother’s cross-examination of Sister?
3. Did the circuit court abuse its discretion in denying Brother a new trial?

For the reasons outlined below, we shall affirm the circuit court’s judgment.

¹ In his brief, Brother framed the questions as follows:

1. Did the Circuit Court err in continuing the trial after it became clear that Appellant had engaged the wrong interpreter and was not prepared to move forward with the trial?
2. Did the Circuit Court err when it prematurely ended Appellant’s cross-examination of Appellees’ only witness?
3. Did the Circuit Court err when it denied Appellant a new trial?

PROCEDURAL BACKGROUND

In August 2023, Brother filed, in the District Court, an action for replevin and detinue against Sister and Brother-in-Law. Brother sought the return of gold and other personal property that he alleged Sister and Brother-in-Law had taken from him in December 2021, while he and his wife were living temporarily in Baltimore, Maryland. After a hearing, the District Court found that Brother had a right to possession of the property before judgment and issued a writ of replevin. *See* Md. Rule 12-601(g). Because Sister and Brother-in-Law denied having taken the property, and the amount in controversy exceeded \$30,000, the case was then transferred to the circuit court for a detinue trial. *See* Md. Rule 12-601(h).

Brother was represented by counsel through the District Court proceedings and until a month before the detinue trial. At trial, however, he chose to proceed *pro se*. At the conclusion of the detinue trial, the circuit court found that Brother failed to meet his burden and entered judgment in favor of Sister and Brother-in-Law.

We include additional facts below as necessary for our discussion of the issues raised on appeal.

DISCUSSION

A. Continuance

1. Background

At the detinue trial, Brother was aided by a Hindi interpreter. With the court's permission, he presented narrative testimony on his own behalf, but he did not call any other witnesses to testify. Instead, during his case-in-chief, Brother sought to play for the

court a video statement from his father (“Father”), which had been played at the replevin trial. Father’s statement, however, was not in English or Hindi. Rather, Father spoke Telugu; a language also spoken in India, but one which the interpreter could not translate. Brother then tried to introduce into evidence, as a substitute, an affidavit from Father, but because Brother could have called Father to testify, the court excluded the affidavit as hearsay. Still, the court allowed Brother to proffer the substance of Father’s statement and accepted into evidence his impression that, after the alleged theft, there was a “schism” between Father and Sister.

2. Analysis

On appeal, Brother contends the circuit court, upon realizing that he had failed to secure a proper interpreter for Father’s statement, should have halted the proceedings and postponed the remainder of the trial. We disagree for two reasons.

First, Brother did not preserve this issue for our review. “Even granting substantial leeway to [him] as a *pro se* litigant, we cannot discern from the record before us any attempt to seek a continuance.” *Peterson v. Evapco, Inc.*, 238 Md. App. 1, 60 (2018). *See also* Md. Rule 8-131(a) (“Ordinarily, an appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]”). *Second*, even if he had asked for a continuance, “the procedural, evidentiary, and appellate rules apply alike to parties and their attorneys. No different standards apply when parties appear *pro se*.” *Tretick v. Layman*, 95 Md. App. 62, 86 (1993). Ordinarily, failing to secure a witness when a witness could have been secured prior to trial is not grounds for a continuance. *Hughes v. Averza*, 223 Md. 12, 18–19 (1960). Likewise, “failure of trial counsel[—and by

extension *pro se* litigants—]to adequately prepare for trial [is] not a ground for a continuance or postponement.” *Touzeau v. Deffinbaugh*, 394 Md. 654, 672–73 (2006) (quoting *Hughes*, 223 Md. at 19). Thus, even if this issue were preserved, the circuit court did not abuse its discretion in proceeding with trial. *See id.* at 669 (noting that the “decision to grant a continuance lies within the sound discretion of the trial judge.”).

B. Cross-examination

1. Background

Sister was the defense’s only witness at the detainee trial. Before Brother began his cross-examination of her, the court explained the process to him: “You can ask her questions about what she just said; that’s called cross-examination. This is your time to do that, now.” Brother then asked Sister a series of initial questions about the alleged theft and the rift between Sister and Father. The court also permitted him to ask questions in Hindi, as needed, for the interpreter to translate. Soon, however, Brother strayed from questioning Sister into telling the court his disagreements with her testimony. The court tried several times to redirect Brother back to cross-examining Sister. After its sixth attempt failed, the court ended Brother’s cross-examination.

2. Standard of Review

“We review the [circuit] court’s control over the presentation of witness testimony for abuse of discretion.” *Corman Marine Constr., Inc. v. McGeady*, 262 Md. App. 585, 617, *cert. denied*, 489 Md. 203 (2024) (citations omitted). The Supreme Court of Maryland has explained that “[m]anaging the scope of cross-examination is a matter that falls within the sound discretion of the [circuit] court.” *Simmons v. State*, 392 Md. 279, 296 (2006). So

long as “a [circuit] court’s ruling is reasonable, even if we believe it might have gone the other way, we will not disturb it on appeal.” *Fontaine v. State*, 134 Md. App. 275, 288 (2000).

3. Analysis

On appeal, Brother contends that the circuit court abused its discretion in terminating his cross-examination of Sister. Again, we disagree.

Maryland Rule 5-611(a) states that a court “shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.” The court here did not apply Rule 5-611(a) in a manner that prevented any specific portion of Sister’s testimony from being heard. Rather, because Brother insisted on essentially continuing his testimony, rather than questioning Sister, the court ended his period of cross-examination. The record reflects that the court gave Brother several chances to course correct. At one point, it assured him that he would still have the chance to refute Sister’s testimony: “If you don’t agree with what she said, you can tell me about that. That’s fine. But I don’t want to hear it right now, I want to wait until you’re done asking her questions.” Despite the court’s warnings and assurances, however, Brother continued to address the court, rather than question Sister.

Moreover, at the point the court made the ruling, the case had already extended well beyond its scheduled duration. The trial was set for one hour, but two-and-a-half hours had passed by the time the court ended Brother’s cross-examination. The also court noted that

the interpreter was pressed for time due to another scheduled matter in Anne Arundel County that afternoon. Her absence would have made it more difficult for the court to hear Brother’s case. Thus, because the record demonstrates that the court was “avoid[ing] the needless consumption of time[,]” and ensuring an effective presentation of evidence, it did not abuse its discretion in terminating Brother’s cross-examination of Sister. *See* Md. Rule 6-611(a). *See also Corman Marine Constr.*, 262 Md. App. at 617–18.

C. New Trial

1. Background

After the detainee trial, Brother retained new counsel and moved for a new trial under Maryland Rule 2-533. As grounds for relief, Brother asserted he “was stymied from being able to enter material evidence into the record” because of his *pro se* status and unfamiliarity with the detainee-trial process. According to Brother, a new trial was warranted because “procedural issues unrelated to the case’s merits prevented [him] from being able to educate th[e] [c]ourt of his claims.” The circuit court denied the motion.

2. Standard of Review

We review the denial of a motion for a new trial for an abuse of discretion. *See Miller v. Mathias*, 428 Md. 419, 438 (2012). A court abuses its discretion only “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.” *Bord v. Balt. Cnty.*, 220 Md. App. 529, 566 (2014) (quotation and citation omitted).

3. *Analysis*

On appeal, Brother contends the court abused its discretion in denying him a new trial. He again asserts that he “was stymied from being able to enter material evidence into the record” because of his *pro se* status and unfamiliarity with the detinue-trial process. In essence, he argues that because he failed to prove his case while proceeding *pro se*, he should have been allowed to try again after retaining counsel. We are not persuaded.

Although we sympathize with *pro se* litigants, “we also need to adhere to procedural rules in order to maintain consistency in the judicial system.” *Pickett v. Noba, Inc.*, 114 Md. App. 552, 554–55 (1997). As noted above, “the procedural, evidentiary, and appellate rules apply alike to parties and their attorneys. No different standards apply when parties appear *pro se*.” *Tretick*, 95 Md. App. at 86. That said, the record here reflects that Brother, despite his *pro se* status, still adequately presented his case. The circuit court accepted into evidence all the exhibits that Brother had presented at the replevin trial and even found his case-in-chief sufficient to deny the defense’s motion for a directed verdict. Brother’s case failed only because his and Sister’s competing testimony was the only evidence about the alleged theft, and the court had nothing to corroborate either version of events. Even so, the bare fact that Brother failed to call any other material witnesses when he could have done so does not entitle him to a new trial.

Put simply, courts are not obligated to give parties a proverbial “second bite at the apple” simply because [they were] not represented by counsel[.]” *Dept. of Labor, Licensing and Regulation v. Woodie*, 128 Md. App. 398, 410–11 (1999). On this record, we cannot say that “no reasonable person would take the view adopted by the [circuit] court[.]” *Bord*,

220 Md. App. at 566. Consequently, the court did not abuse its discretion in denying Brother a new trial.

**JUDGMENT OF THE CIRCUIT
COURT FOR HOWARD COUNTY IS
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**