

Circuit Court for Baltimore City
Case No. 922166005

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1052

September Term, 2022

IN RE: M.C.

Graeff,
Tang,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Beachley, J.

Filed: July 8, 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).

When he was 17 years old, appellant, M.C., was charged with illegal possession of a handgun under Md. Code (2002, 2021 Repl. Vol.), § 4-203 of the Criminal Law Article (“CR”) and Md. Code (2003, 2022 Repl. Vol.), § 5-133(d) of the Public Safety Article (“PS”). M.C. moved to dismiss these charges, which the Circuit Court for Baltimore City, sitting as a juvenile court, denied. The juvenile court ultimately adjudicated M.C. delinquent as to the charges.

In this appeal, M.C. mounts facial and as applied constitutional challenges to CR § 4-203 and PS § 5-133(d). In light of this Court’s decision in *State v. Fields*, ___ Md. App. ___ (2026) (No. 784, Sept. Term 2022, filed July 2, 2026), we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On May 13, 2020, when M.C. was 17 years old, police officers approached M.C. on the sidewalk to apprehend him based on an open warrant. When M.C. saw the officers, he crouched between a food truck and trailer. Officers described hearing the sound of metal sliding across the pavement. One officer ordered M.C. to the ground and another officer recovered a loaded handgun from under the trailer. M.C. was arrested and, relevant to this appeal, charged as an adult with wearing, carrying, or transporting a handgun under CR § 4-203 and illegal possession of a regulated firearm under PS § 5-133(d). His case was transferred to juvenile court on June 15, 2022. M.C. moved to dismiss the charges as unconstitutional in light of the United States Supreme Court’s decision in *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). The juvenile court denied M.C.’s motion to

dismiss. On July 28, 2022, the juvenile court adjudicated M.C. delinquent and placed him on probation.

M.C. noted this timely appeal.

DISCUSSION

M.C. argues that the court erred in denying his motion to dismiss. According to M.C., CR § 4-203 and PS § 5-133(d)(1) are unconstitutional, both facially and as applied to him, because the statutes restrict the right of individuals under age 21 to possess firearms. M.C.’s principal argument asserting a facial challenge to the constitutionality of the statutes is the “‘most difficult challenge to mount successfully,’ because it requires a defendant to ‘establish that no set of circumstances exists under which the Act would be valid.’” *United States v. Rahimi*, 602 U.S. 680, 693 (2024) (quoting *United States v. Salerno*, 481 U.S. 739, 745 (1987)). If a statute is constitutional as applied to the circumstances of the case under scrutiny, a defendant’s facial challenge cannot prevail. *Id.* Following our recent decision in *Fields*, ___ Md. App. ___ (2026) (No. 784, Sept. Term 2022 filed July 2, 2026), we conclude that the statutes are constitutional as applied to 17-year-olds, and therefore we need not consider M.C.’s broader facial challenge.¹

¹ M.C. also argues that CR § 4-203 is facially unconstitutional because there is no “history or tradition of prohibiting any public carry of arms without a permit.” We reject this argument in light of the Supreme Court’s statement in *Bruen* that “nothing in [its] analysis should be interpreted to suggest the unconstitutionality of . . . ‘shall-issue’ licensing regimes[.]” 597 U.S. at 38 n.9. Such regimes are not violative of the Second Amendment because they “are designed to ensure only that those bearing arms in the jurisdiction are, in fact, ‘law-abiding, responsible citizens.’” *Id.* (quoting *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008)). See also, *Fields*, *supra*, slip op. at 37 (holding that the invalid “good and substantial reason” requirement that previously existed

We review the grant or denial of a motion to dismiss *de novo* to determine “whether the trial court was legally correct.” *Brasse v. State*, 264 Md. App. 740, 747 (2025) (quoting *Lipp v. State*, 246 Md. App. 105, 110 (2020)). “In the event of a constitutional challenge, we conduct an ‘independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case.’” *Washington v. State*, 482 Md. 395, 420 (2022) (quoting *Trott v. State*, 473 Md. 245, 254 (2021)).

CR § 4-203 generally prohibits the wearing, carrying, or transporting of a handgun without a permit. A person must be at least 21 years old (or a member of the uniformed services or National Guard) in order to obtain a permit. PS § 5-306(a)(1). With some exceptions not relevant here, PS § 5-133(d)(1) prohibits individuals under 21 years old from possessing regulated firearms.

In *Fields*, this Court held “that the restriction on gun possession set forth in PS § 5-133(d), prohibiting gun possession by individuals under 21 years of age, is not unconstitutional” as applied to Fields, who was 20 years old at the time of the offense. Slip op. at 28. We further held that CR § 4-203’s prohibition against the unlicensed public carrying of handgun was not unconstitutional as applied to Fields.

We shall not repeat *Fields*’ thorough analysis of *Bruen*’s two-prong test that led the Court to conclude that the prohibition of gun possession by individuals between the ages of 18 to 20 is constitutional. In light of *Fields*’ holding as to 20-year-old Fields, we have

in the statute is severable from Maryland’s permitting scheme, thereby rendering CR § 4-203 facially constitutional).

no difficulty concluding that the Maryland statutes that generally prohibit gun possession by individuals under age 21 are constitutional as applied to 17-year-olds like M.C.² We therefore hold that the juvenile court did not err in denying M.C.’s motion to dismiss.

**JUDGMENTS OF THE CIRCUIT
COURT FOR BALTIMORE CITY,
SITTING AS THE JUVENILE COURT,
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

² Even courts that have found prohibitions on the possession and sale of firearms to 18-to-20-year-olds unconstitutional have suggested that similar restrictions applied to individuals under age 18 would pass constitutional muster. *See Reese v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 127 F.4th 583, 598, n.16 (5th Cir. 2025) and *Lara v. Comm’r Pa. State Police*, 125 F.4th 428, 444-45 (3rd Cir. 2025).