

Circuit Court for Prince George's County
Case No. CT82-377

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1078

September Term, 2021

JOHN KEVIN JOHNSON

v.

STATE OF MARYLAND

Arthur,
Shaw,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 4, 2022

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In 1982, John Kevin Johnson, appellant, was convicted by a jury in the Circuit Court for Prince George’s County of first-degree murder and other related offenses in Case No. CT82-377. In August 2021, appellant filed a document entitled “Public Information Act Complaint” in that case.¹ In the “complaint” he alleged that he had twice made requests pursuant the Maryland Public Information Act for certain documents and exhibits related to his criminal case and that those requests had been wrongfully denied. The court subsequently entered an order striking the complaint, without addressing the merits, on the grounds that the complaint had to be filed as “a separate cause of action” rather than “in [his] existing criminal case.” On appeal, appellant contends that the court erred in striking his complaint. For the reasons that follow, we shall affirm.

Section 4-362(a) of the General Provisions Article provides that “whenever a person . . . is denied inspection of a public record . . . the person . . . may file a complaint with the circuit court.” However, as the State correctly points out, a complaint is not a pleading that can be filed in an existing case, regardless of whether the existing case is criminal or civil in nature. Rather a complaint is an “initial pleading that starts a civil action[.]” *Complaint*, Black’s Law Dictionary (11th ed. 2019). To commence a civil action under the Maryland Rules the plaintiff must not only file a complaint, but also pay the filing fee, unless waived; file an information report; have the Clerk issue a summons; and have the summons and complaint served on the opposing party, none of which was done in this case. Consequently, the circuit court did not err in striking appellant’s complaint. In so holding, we express no opinion as to

¹ It appears that the complaint was filed for the purpose of helping appellant prepare for a post-conviction hearing in his case.

the merits of appellant’s complaint and note that this opinion is without prejudice to appellant filing his complaint as a separate civil action.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT**