

Circuit Court for Wicomico County
Case No. C-22-CR-24-000043

UNREPORTED*

IN THE APPELLATE COURT
OF MARYLAND

No. 1427

September Term, 2024

MICHELLE MAURICE SUTTON

v.

STATE OF MARYLAND

Shaw,
Arthur,
Raker, Irma S.
(Senior Judge, Specially Assigned),

Opinion by Raker, J.

Filed: February 12, 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).

Appellant, Michelle Sutton, was convicted in a bench trial in the Circuit Court for Wicomico County of first- and second-degree assault, unlawful taking a motor vehicle, and related charges. Appellant’s sole argument on appeal is that the trial court erred by finding unmeritorious appellant’s reasons for discharging his attorney.

Finding no error, we shall affirm.

I.

On November 25, 2023, appellant was charged in connection with a physical altercation involving appellant’s then-girlfriend and the carjacking of her car, which occurred after appellant had been charged with driving under the influence. The details of the underlying crime are not relevant here because on this appeal, we are concerned only with appellant’s discharge of his attorney.

At the beginning of appellant’s trial, he indicated he would like to speak to the court. The following exchange occurred:

“APPELLANT: Yes, I wish to fire my attorney based off of ineffective assistance of counsel. We haven’t discussed several things with my case and he failed to, he failed to utilize his resources to help me in my case. I filed a motion on, I think it was, I think I filed the motion on, um, the 9th.

THE COURT: Of July?

APPELLANT: Yes, sir. My counsel does not have my best interest at hand, and I wish to not move forward with him proceeding this trial.

THE COURT: Are you intending to represent yourself?

APPELLANT: No, sir.

THE COURT: Well, the original statement of charges in this case goes back to November 26th of 2023. So we're almost eight months, roughly eight months later. We're here on the morning of trial, and now you're telling me that you want to discharge your counsel. I don't see the filing. It just may not have gotten processed yet, if you mailed it the 9th. So, I guess I'm trying to understand at this point when there's not been any other comments to the Court that I'm aware of, of your desire to retain other counsel. Is it your intent to hire private counsel?

APPELLANT: No, sir, I wish the courts could appoint me a pro bono attorney. That's why I filed motions.

THE COURT: Do you have the motion with you?

APPELLANT: Yes, sir.

THE COURT: Have you seen the motion?

THE STATE: No, Your Honor.

THE COURT: [DEFENSE COUNSEL], have you seen it?

[DEFENSE COUNSEL]: No, Your Honor.

THE COURT: And you filed this with the Court?

THE DEFENDANT: Yes, sir.

THE COURT: I'm going to take a brief recess, and I'm going to allow the State and [DEFENSE COUNSEL] an opportunity to review this and I'll come back in and address it. We'll take a brief recess."

The court reconvened after the State and defense counsel had an opportunity to review the motion. The court indicated that it would need more specifics in order to make a proper determination regarding whether the dismissal would be meritorious:

“THE COURT: So, [APPELLANT], looking at your motion that you filed, I think what I need to understand is, I need more specifics. There's a lot of generalities in the motion as it relates to your rights that you think have been violated. But I need to understand specifically what you think he did. So, for example, you say he's failed to adhere to the rules of professional conduct,

he failed to properly communicate my disclosure of discovery. What does that mean?

APPELLANT: First, I want to thank you for giving me this opportunity to explain myself, which I wanted to. Dealing with the disclosure, as me [sic] being a citizen, certain aspects of the law I don't know, and I know that ignorance is no excuse of the law, but when you're dealing with a defense attorney that has passed the bar exam—

THE COURT: We're back to generalities.

APPELLANT: Okay.

THE COURT: I'm asking you specifically, you said he failed to properly communicate your disclosure of discovery. I need to know specifically—

APPELLANT: Suppress evidence that, suppressing evidence that should've been suppressed at my motions, sir.

THE COURT: Well, that's a different thing that you, that's the next thing I'm going to go to. So, I need to understand what you mean by he failed to properly communicate my disclosure of discovery, is what you said. What does that mean exactly? I don't, I don't understand what you're alleging he didn't do.

APPELLANT: Well, he failed to break down the elements of my discovery as far as—

THE COURT: Did he provide you the discovery?

APPELLANT: Yes, he did, sir, he did.

THE COURT: So the next thing, when you say he failed to break it down—

APPELLANT: I need to explain, sir, I don't, I'm gonna . . .

THE COURT: What exactly didn't he explain?

APPELLANT: Well, he didn't explain as far as that, like, I have a right to suppress certain evidence—

THE COURT: I'm going to deal with the suppression issue next. I'm just trying to understand when you say he, the disclosure of discovery, so he provided you your discovery?

APPELLANT: Yes, sir.

THE COURT: So the real issue that you have is, the next thing you said, he failed to file a motion to suppress evidence, he never communicated with me concerning this matter and in violation of my right to due process.

APPELLANT: Yes, sir.

THE COURT: So what was it that he was supposed to suppress, when you say he failed to file a motion to suppress?

APPPELLANT: Dealing with evidence that was entered into my discovery by the prosecutor, evidence of, which I would like to speak of that with her?

THE COURT: Well, if you're asking me to discharge him with cause—

APPELLANT: Yes, sir.

THE COURT: —which would be the only way that you would be entitled to another attorney from the Public Defender's Office, I need to understand what it is that you feel he did wrong. And looking at this motion, I have no idea really what you're saying.

APPELLANT: Okay, well—

THE COURT: There's just a lot of generalities. So I need to know if you think something should have been suppressed—

APPELLANT: Yes, sir.

THE COURT: —and he did file a motion to suppress, he filed a general motion to suppress. And then when we came for the suppression hearing, or the motions were withdrawn, so what exactly is it that you felt, what evidence is it that you felt he should have argued should have been suppressed?

APPELLANT: The evidence as far as dealing with witnesses in the case, dealing with the witness, um, from the, um, volunteer fire department in Fruitland.

THE COURT: Why would that be suppressed?

APPELLANT: I mean, from, well, body cam footage and stuff like that.

THE COURT: Why would it be suppressed?

APPELLANT: Because it was from a case where I had already been tried and found guilty of, and it's like these witnesses are from a previous case that was in District Court. The reason why I pled guilty was because of this evidence. So, now I have seen late and understood late, okay, that this is the same evidence that was presented in the District Court, now I'm being pretty much faced with the same evidence in Circuit Court to go against me.

THE COURT: What was the outcome of your case in the District Court?

APPELLANT: Sir, my outcome was I pled guilty to 30 days and all my fines and fees and everything was waived.

THE COURT: Pled guilty to what?

APPELLANT: DUI.

THE COURT: [PROSECUTOR], I see you—

THE STATE: If I could just help illuminate the issue for the Court. This is an incident on November the 25th where police came upon [APPELLANT] after he flipped his vehicle. He was charged with DUI from that incident. He was arrested. He was released. The victim picked him up from the Sheriff's Department. He assaulted her in the vehicle. She fled. And then he took the vehicle from there. So he pled guilty to the initial flipping of the car DUI, but what remains outstanding is all the assaultive conduct, the carjacking and DUI and driving within twelve hours of an arrest. The evidence, therefore, of the initial incident would have to come in as evidence under the driving within twelve hours of an arrest. That's quite critical information that would have to come in. It also doesn't fall under, as Your Honor knows, the motion to suppress, it's not a suppressible issue. It would've been an issue dealt with at trial. [DEFENSE COUNSEL] has already communicated with me that he would be objecting to that testimony and that we would argue that in front of the Court.

THE COURT: Okay. What else?

THE DEFENDANT: That was, that was my, my main issue right there, that was dealing with that. And, um, as far as, like, he never discussed with me, like, okay, my first—

THE COURT: Let me go to the next thing.

APPELLANT: Okay.

THE COURT: So then you allege, he has failed to adhere to rules dealing with diligence and commitment by neglecting to be diligent when working your case. What do you mean by that?

APPELLANT: Within the—

THE COURT: And be specific.

APPELLANT: Okay. In the eight-month period timeframe, we, within an eight-month period of time, timeframe, he came and seen me within, um, four days of the eight-month timeframe. So with me having all this information and learning all this other stuff about my case, this is why this motion was put in so late because I'm just now processing—

THE COURT: Learning all what stuff?

APPELLANT: Well, I'm processing the, I'm processing my, um, motion to discovery, I'm processing certain things where he didn't do his due diligence as far as dealing with, like, in this case, I don't know the guidelines in this case, he never even told me what my guidelines were. First initially trying to see me he said it's, the State offered me, offered me 30 years, but I'm, like, I don't know what my guidelines is. Or nothing. Which he never discussed none of that, none of those issues with me.

THE COURT: Well, there was a written plea offer that you signed that you rejected, correct?

APPELLANT: Yes, sir.

THE COURT: So you had discussions with him about the plea offer, correct?

APPELLANT: Yeah.

THE COURT: Before you signed it rejecting it?

APPELLANT: Yeah, basically, the, basically, the discussion was, no, I don't want the plea offer, that's all the discussion was. It was nothing about nothing else.

THE COURT: Well, I guess I'm trying to understand, when you're talking about the motion and trying to understand all this evidence, this evidence isn't new to you, right? I mean, you already pled guilty as it relates—so you were aware of the evidence as it related to your traffic stop and the DUI—

APPELLANT: Yes, sir.

THE COURT: —because you said—

APPELLANT: Yes, sir.

THE COURT: —you already knew about it, that's why you pled guilty in the other case, correct?

APPELLANT: Yes, sir.

THE COURT: So this isn't, like, late disclosure of evidence that you didn't know about. I mean, you knew this evidence was out there.

APPELLANT: Yes, sir, I knew, I knew the evidence was out there. But I didn't know that the evidence could be used against me twice as far as the body cam footage and stuff like that, I didn't know that.

THE COURT: Well, it's only being used against you in the context of establishing that you had been arrested previously as it relates to your new, the conduct after you left the police station. Do you understand that?

APPELLANT: No, I—

THE COURT: In other words, they're not charging you, this isn't, that evidence isn't being used to prosecute you for the DUI when the vehicle flipped. It's being used to prosecute you because the State is alleging that you drove within twelve hours after the arrest. So they're going to use that evidence to establish that you were arrested at this time, and then the other evidence later to show that you drove within the twelve-hour time period of that happening.

APPELLANT: Okay.

THE COURT: Do you understand that?

APPELLANT: Yes, I understand now, I understand now.

THE COURT: And [DEFENSE COUNSEL], as he's communicated to [THE STATE], is going to object to some of the testimony. But it wouldn't be a motion to suppress. He's going to object during the course of the trial when they come up to testify.

APPELLANT: Right.

THE COURT: You understand that?

APPELLANT: I understand now, yes, sir.”

The court next addressed appellant's argument that his attorney pushed him to do a jury trial when appellant preferred a bench trial. After a discussion, appellant acknowledged that his counsel ultimately did follow his directions given that the trial at hand was in fact a bench trial. The court then explained to appellant his options:

“APPELLANT: . . . Your Honor, I just wanted to make sure that I was getting fair legal representation.

THE COURT: Well, and that's why—

APPELLANT: That was it, that's my whole—

THE COURT: —I understand, and I'm not trying to, I'm not trying to be difficult—

APPELLANT: Yeah.

THE COURT: —with you. I just need to understand, because I have to make a determination, if you want to discharge him—here's what happens. So, if I find that [DEFENSE COUNSEL] behaved inappropriately, then I can discharge him with cause and I can have another attorney assigned to you.

APPELLANT: Okay.

THE COURT: But if I find that there's not good cause, I can discharge him, but then your options would be either to represent yourself or to hire private counsel.

APPELLANT: Okay.

THE COURT: Those would be the options. So, I mean, based on what you're telling me so far, I don't think there's good cause here to discharge [DEFENSE COUNSEL]. I don't think he's done anything wrong, I mean, in the sense that would result in good cause. So, what I'm going to do is this. I'll give you, what I'm going to do is I'm going to give you another minute to talk to [DEFENSE COUNSEL]. I'll bring you back in. We'll have a final sort of discussion about how you want to proceed. And then we'll go from there. I'll make a ruling, and we'll go from there, okay?

All right.”

After a brief recess, the court found appellant's reasons to discharge defense counsel unmeritorious.

“THE COURT: [APPELLANT], is there anything else you want to tell me, sir, before I issue a ruling?

APPELLANT: No, sir, it's fine.

THE COURT: I don't think there's good cause to discharge [DEFENSE COUNSEL] that would entitle you to another attorney, either a panel attorney or from the Office of the Public Defender. So, where that leaves you is, if it's your desire to discharge him, you can. You have every right to represent yourself in this matter or to hire an attorney of your choosing. But I think we're where it leaves you at this point is, you would either have to represent yourself or hire private counsel.

APPELLANT: Okay.

THE COURT: So, do you want to move forward with [DEFENSE COUNSEL], or is it your desire to represent yourself? I don't know that I, you know, am inclined to postpone the case. I would have to think about that, I guess, I have been thinking about it. But how is it that you, how do you intend to proceed?

APPELLANT: It's pretty much I'm stuck between a rock and a rock, so this, um, I'm pretty much, I don't want to represent myself because I don't know that much of the law to represent myself, um . . . so, yeah.

THE COURT: So are you ready to move forward with [DEFENSE COUNSEL] today?

APPELLANT: Yeah.”

The trial proceeded, appellant was found guilty of first-degree assault and related charges and the court imposed sentence. The sentence was a total of 25 years of incarceration. This appeal followed.

II.

Before this Court, appellant argues that the trial court failed to comply with Maryland Rule 4-215(e) and abused its discretion by finding appellant's reasons for requesting to discharge his attorney unmeritorious. Appellant asserts that the court conducted an incomplete inquiry regarding appellant's reasons for requesting to discharge his attorney by either ignoring his complaints or assuming they lacked merit. Nor did the court ask defense counsel to clarify or explain what he communicated to appellant.

The State argues that the trial court properly exercised its discretion in deeming appellant's request to discharge counsel under Rule 4-215 lacking merit. The State asserts that the court complied with Rule 4-215, which requires a court to consider the details of a defendant's complaint about counsel. The court ensured that appellant had the opportunity to articulate the details of his complaints and then fairly explained why his complaint was

not well founded. The Rule does not require the court to inquire about defense counsel's opinions.

III.

“A criminal defendant’s right to counsel is guaranteed by the Sixth Amendment [to the United States Constitution], made applicable to the States through the Fourteenth Amendment, and by Article 21 of the Maryland Declaration of Rights.” *State v. Davis*, 415 Md. 22, 29 (2010). So, too, does a defendant retain the right to represent himself. “[A]n accused in a criminal prosecution has two independent constitutional rights with regard to the management of his defense. He has both the right to have the assistance of counsel and the right to defend *pro se*.” *Snead v. State*, 286 Md. 122, 123 (1979). In order to represent himself, the accused must knowingly and intelligently give up the right to an attorney. *Faretta v. California*, 422 U.S. 806, 835 (1975).

Rule 4-215(e) details the process a court must follow:

“If a defendant requests permission to discharge an attorney whose appearance has been entered, the court shall permit the defendant to explain the reasons for the request. If the court finds that there is a meritorious reason for the defendant’s request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds no meritorious reason for the defendant’s request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. If the court permits the defendant to discharge counsel, it shall comply with subsections (a)(1)-(4) of this Rule if the docket or file does not reflect prior compliance.”

The court must follow certain procedures once a defendant requests to discharge counsel:

“Under [Rule 4-215(e)], upon a defendant’s request to discharge counsel, the court must provide the defendant an opportunity to explain his or her reasons for seeking the change. Next, the trial court must make a determination about whether the defendant’s desire to discharge counsel is meritorious. The goals of Rule 4-215(e), and of Rule 4-215, in general, are to protect the defendant’s fundamental rights involved, to secure simplicity in procedure and to promote fairness in administration. The failure to inquire into a defendant’s reasons for seeking new counsel when the proper request has been made to the court is a reversible error.”

Davis, 415 Md. at 31 (internal citations omitted). The procedure then differs depending on how the judge rules:

“Where the trial judge finds a defendant’s reasons to be meritorious, he must grant the request and, if necessary, give the defendant an opportunity to retain new counsel. When a defendant makes an unmeritorious request to discharge counsel, the trial judge may proceed in one of three ways: (1) deny the request and, if the defendant rejects the right to represent himself and instead elects to keep the attorney he has, continue the proceedings; (2) permit the discharge in accordance with the Rule, but require counsel to remain available on a standby basis; (3) grant the request in accordance with the Rule and relieve counsel of any further obligation.”

Williams v. State, 321 Md. 266, 273 (1990) (internal citations omitted).

“Rule 4-215(e) demands strict compliance. The provisions of the rule are mandatory and a trial court’s departure from them constitutes reversible error.” *State v. Hardy*, 415 Md. 612, 621 (2010) (internal citation omitted). We review *de novo* whether the circuit court complied with Rule 4-215. If the court has complied strictly with Rule 4-215(e), we review the trial court’s decision whether to grant or deny a defendant’s request to discharge counsel for abuse of discretion. *Weathers v. State*, 231 Md. App. 112, 131 (2016).

We agree with the State that the court appropriately followed the demands of Rule 4-215(e). The court offered appellant ample opportunity to explain his complaints regarding defense counsel. The court repeatedly tried to thoroughly understand appellant's complaints and carefully explained why appellant's complaints were not well founded. The court's finding that the discharge lacked merit was not an abuse of discretion. Contrary to appellant's assertions, the court did not ignore appellant's allegations; rather, the court did what trial judges should do and behaved in a manner geared toward best understanding and addressing appellant's arguments in a detailed fashion. The judge was patient, professional and thorough.

**JUDGMENTS OF CONVICTION IN THE
CIRCUIT COURT FOR WICOMICO
COUNTY AFFIRMED. COSTS TO BE
PAID BY APPELLANT.**