

Circuit Court for Baltimore County
Case No. C-03-CV-23-002202

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1572

September Term, 2024

JOHN MAVRI

v.

CHRISOULA MAVRIS, ET AL.

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

JJ.

Opinion by Friedman, J.

Filed: February 6, 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 MD. RULE 1-104(a)(2)(B).

BACKGROUND

Appellant John Mavri and appellees Chrisoula Mavris and John G. Mavris are neighbors. Mavri learned that the Mavrises' porch encroached onto his property. He told them that he would burn down their house if they did not remove it. They refused and, as a measure of caution, installed cameras outside their house. One day, Mavri decided to cut the porch railing with a cutting torch. The Mavrises saw what he was doing and called the police, who told him to stop. He did not. Once Mavri removed the porch railing, the Mavrises applied for criminal charges against him. As a result, Mavri was charged with malicious burning, threat of arson, and malicious destruction of property. The State later entered a nolle prosequi on each of the charges.

The Mavrises filed a suit to quiet title to the disputed land in the Circuit Court for Baltimore County against Mavri. Mavri counter-claimed for malicious prosecution of the charges against him and for camera surveillance. The Mavrises dismissed their claim to quiet title, so the case proceeded only on Mavri's claims. In a bench trial, the circuit court found that Mavri failed to satisfy his burden to prove either claim and entered judgment for the Mavrises. Mavri noted this appeal.

DISCUSSION

We begin with Mavri's argument that the circuit court erred in finding that he failed to satisfy his burden of proof for malicious prosecution. A malicious prosecution claim requires the plaintiff to prove four elements: "(1) the defendant instituted a criminal proceeding against the plaintiff; (2) the criminal proceeding was resolved in the plaintiff's favor; (3) the defendant did not have probable cause to institute the proceeding; and (4) the

defendant acted with malice or a primary purpose other than bringing the plaintiff to justice.” *Hines v. French*, 157 Md. App. 536, 553 (2004). The plaintiff—here, Mavri—loses if they fail to prove any of those four elements.

Specifically, Mavri argues that the trial court erred in finding that he failed to prove that the Mavrises lacked probable cause—the third element—in initiating the charges against him. Probable cause exists if the defendant was aware of sufficient facts and circumstances for a reasonable person to believe that the plaintiff committed a crime. *Id.* at 552. We review a judgment in a bench trial on the law and the evidence, but we do not set it aside absent clear error. MD. R. 8-131(c). The trial court’s factual findings are not clearly erroneous if they are supported by any competent material evidence. *Plank v. Cherneski*, 469 Md. 548, 608 (2020). We discuss the probable cause for each of Mavri’s three charges in turn.

We begin with probable cause for Mavri’s malicious burning charge. Malicious burning is “willfully and maliciously set[ing] fire to or burn[ing] the personal property of another.” MD. CODE, CRIM. LAW (“CR”) § 6-104(b). The Mavrises testified that they saw Mavri use a fire-based tool—the cutting torch—to remove their porch railing, and the court viewed photos showing Mavri cutting the railing with the torch. This competent, material evidence would lead a reasonable person to believe that Mavri maliciously burned the property. The Mavrises, therefore, established probable cause for malicious burning. Accordingly, we hold that the circuit court did not err in finding that Mavri failed to prove the absence of probable cause for this charge.

We now address probable cause for the threat of arson charge. Threat of arson is threatening to “set fire to or burn a structure.” CR § 6-107(a)(1). The circuit court found that the Mavrises’ testimony—that Mavri threatened to burn their house—was credible and rejected Mavri’s contrary testimony. On review, it is not our role to “second-guess” the trial court’s credibility determinations. *Gizzo v. Gerstman*, 245 Md. App. 168, 203 (2020). The Mavrises presented competent, material evidence supporting their reasonable belief that Mavri threatened to set fire to their house. The Mavrises thus established probable cause for threat of arson. We therefore conclude that the circuit court did not clearly err in finding that Mavri failed to prove the absence of probable cause for this charge.

We next discuss probable cause for Mavri’s final charge, malicious destruction of property. Malicious destruction of property is “willfully and maliciously destroy[ing], injur[ing], or defac[ing]” another’s property. CR § 6-301(a). The Mavrises’ testimony and photos of Mavri cutting the railing, which supported probable cause for the malicious burning charge, also support the Mavrises’ reasonable belief that Mavri maliciously destroyed or injured their property. The Mavrises, therefore, established probable cause for malicious destruction of property with competent, material evidence. As a result, the circuit court did not clearly err in finding that Mavri failed to prove the absence of probable cause for this charge.

We hold that the court did not clearly err in finding that Mavri failed to prove the absence of probable cause, an essential element of his malicious prosecution claims. As a result, we affirm the circuit court’s entry of judgment in favor of the Mavrises.¹

We now address Mavri’s final argument on appeal: that the circuit court erred in finding that he failed to satisfy his burden of proof for his camera surveillance claim. To prevail on this claim, the plaintiff must prove that the defendant placed a camera on the plaintiff’s property to conduct “deliberate surreptitious observation” of the plaintiff inside their house. CR § 3-903(c). At trial, Mavri only showed that the Mavrises owned cameras. Mavri did not prove that the cameras were installed on his property or that they were used to surreptitiously observe him inside his house. Because Mavri did not provide evidence of “deliberate surreptitious observation,” we hold that there was no clear error in the circuit court’s conclusion that he failed to satisfy his burden of proof. We, therefore, affirm the court’s entry of judgment in favor of the Mavrises.

¹ In his appeal, Mavri also contends that the circuit court erred by overruling his hearsay objection to Chrisoula Mavris’s testimony that an officer told her to “file for criminal charges because [Mavri’s actions] could be arson.” Mavri, however, did not specify how this statement constituted hearsay or how its admission harmed him. We generally do not consider arguments lacking particularity. *Klaunenberg v. State*, 355 Md. 528, 552 (1999). Even if we did, we would conclude that the court did not err because the statement was not hearsay, and even if it were, its admission was harmless. The officer’s statement was offered to explain why the Mavrises pursued charges, rather than asserting that Mavri’s actions were, in fact, arson. MD. R. 5-801(c) (hearsay is a statement offered to prove the truth of the matter asserted). Additionally, the admission of the statement was harmless because it was cumulative of Chrisoula Mavris’s earlier testimony that officers advised her to pursue charges. *Gross v. State*, 481 Md. 233, 271 (2022) (admitting hearsay is harmless error if it is cumulative of other testimony).

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