

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1606

September Term, 2022

ANTHONY LAVAR MILLHOUSE

v.

STATE OF MARYLAND

Wells, C.J.,
Leahy,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 31, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 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.

Following a bench trial in the Circuit Court for Montgomery County, Anthony Lavar Millhouse, appellant, was convicted of carjacking and use of a firearm during a crime of violence. His sole contention on appeal is that the circuit court erred in preventing him from presenting evidence in support of voluntary intoxication as a defense to carjacking. For the reasons that follow, we shall affirm.

Prior to trial, appellant filed a motion in limine seeking to present evidence in support of a voluntary intoxication defense. Appellant acknowledged that in *Harris v. State*, 353 Md. 596 (1999), the Supreme Court of Maryland¹ held that voluntary intoxication was not a defense to carjacking because it was a general intent crime. He nevertheless contended *Harris* had been wrongly decided and should be overturned. The court determined that it was bound by *Harris* and denied appellant’s motion.

As he did in the circuit court, appellant claims on appeal that *Harris* should be overturned, despite the fact that there have been no substantive changes in the law or the carjacking statute since it was decided. However, “[i]t is not up to this Court [] to overrule a decision of the Court of Appeals that is directly on point.” *Foster v. State*, 247 Md. App. 642, 651 (2020). Rather, the rulings of the Court of Appeals remain “the law of this State until and [u]nless those decisions are either explained away or overruled by the Court of

¹ At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022. *See, also*, Md. Rule 1-101.1(a) (“From and after December 14, 2022, any reference in these Rules or, in any proceedings before any court of the Maryland Judiciary, any reference in any statute, ordinance, or regulation applicable in Maryland to the Court of Appeals of Maryland shall be deemed to refer to the Supreme Court of Maryland....”).

Appeals itself.” *Scarborough v. Altstatt*, 228 Md. App. 560, 577 (2016) (internal quotation marks and citation omitted). Thus, we are bound to follow *Harris*. Under *Harris*, evidence of voluntary intoxication is not a defense to carjacking because carjacking is a general intent crime. Consequently, the court did not err in denying appellant’s motion in limine seeking to present evidence of voluntary intoxication.

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