

Circuit Court for Allegany County
Case No. C-01-CR-20-000153

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1706

September Term, 2024

THOMAS LEON OWENS

v.

STATE OF MARYLAND

Wells, C.J.,
Albright,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 25, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by a jury in the Circuit Court for Allegany County of second degree murder, Thomas Leon Owens, appellant, presents for our review two issues: whether the court, at two pre-trial proceedings, “did violate [his] Constitutional rights [by] not informing and . . . assigning an attorney to be present at the start [of] and during the proceeding[s],” and whether one of the judges of the court erred in “not recus[ing] himself until” January 2023. For the reasons that follow, we shall affirm the judgment of the circuit court.

On February 19, 2020, Mr. Owens was charged by indictment. At the time, the State’s Attorney for Allegany County was Michael O. Twigg, who now sits on the circuit court. On August 18, 2020, Mr. Owens, without counsel, appeared before the court, the Honorable Jeffrey S. Getty presiding, for an initial appearance. The State was represented at the hearing by Assistant State’s Attorney Daniel Dumproff. After reviewing with Mr. Owens the “charges and . . . maximum penalties,” the court stated: “You have a right to be represented by an attorney. If you can’t afford to hire private counsel, you can make application through the Public Defender’s Office and they will provide you with an attorney to represent your interests.” Mr. Owens replied that he understood. The court subsequently asked Mr. Owens: “Do you intend to make contact with the Public Defender’s Office[] about seeking representation?” Mr. Owens replied: “Yes, sir.” The court asked Mr. Dumproff to “make contact with the Public Defender’s Office and make arrangements for them to contact Mr. Owens.”

On October 6, 2020, Mr. Dumproff filed a “State’s Request for a Hearing on Counsel.” On December 31, 2020, Mr. Dumproff filed a “Line of Discovery.” On January

7, 2021, Mr. Owens, without counsel, appeared before the court, the Honorable W. Timothy Finan presiding, for a status hearing. The State was again represented at the hearing by Mr. Dumproff. The court asked Mr. Owens: “[H]ave you waived your right to counsel, or you don’t want a lawyer, or . . . is there any issue?” Mr. Owens replied: “I haven’t waived my right to counsel.” Mr. Dumproff stated that he had spoken to a “representative of the Public Defender’s Office,” who stated that Mr. Owens had been “seen by a representative of” that office, but “he did not wish to have the Public Defender represent him.” Mr. Dumproff further stated that he had spoken to Mr. Owens’s mother, who stated that he “potentially wanted to hire an attorney out of Ohio.” Mr. Owens stated that he did not “know how feasible it is for [his mother] to try to hire a lawyer from another state to represent [him] here in Maryland,” and that he “would like a Public Defender.” The court subsequently scheduled a status hearing for February 2, 2021, and scheduled trial to commence on June 24, 2021.

On January 22, 2021, Judge Twigg was appointed to the circuit court. On February 9, 2021, Judge Twigg presided at a hearing at which defense counsel requested a continuance of trial. The court granted the request and rescheduled trial to commence on September 8, 2021. The court subsequently rescheduled trial. On February 8, 2022, Judge Twigg presided at a hearing at which both the State and defense counsel requested a continuance of trial. The court granted the request and rescheduled trial to commence on June 29, 2022. The court subsequently rescheduled trial.

On January 5, 2023, Mr. Owens’s mother filed on his behalf a motion to dismiss. The following day, Mr. Dumproff filed a motion to continue. On January 10, 2023, Mr.

Owens, represented by the Office of the Public Defender, appeared before the court, Judge Twigg presiding, for a hearing on the motion to continue. The State was again represented at the hearing by Mr. Dumproff. During the hearing, Judge Twigg asked the parties: “As a collateral matter, was I associated with this case?” Mr. Dumproff replied: “Your Honor, you were State’s Attorney at the time that this case was indicted, and in fact, when I first learned about it, I believe it was with you.” Mr. Dumproff also noted that in the motion to dismiss, Mr. Owens’s mother alleged “potential procedural errors at the time that the case was filed.” Judge Twigg subsequently stated: “[F]or reasons proffered by counsel in this matter, . . . it is appropriate that I recuse myself from . . . hearing . . . any further hearings regarding Mr. Owens.” Judge Getty subsequently presided at trial and sentencing.¹

Mr. Owens first contends that the court “violate[d his] Constitutional rights” at the August 2020 and January 2021 hearings by “not informing and . . . assigning an attorney to be present at the start [of] and during the proceeding[s].” We disagree for three reasons. First, Mr. Owens does not cite any authority that requires a court to appoint counsel for a defendant before an initial appearance may proceed. On the contrary, Rule 4-215, which was adopted “[t]o implement and protect [the] fundamental right to counsel,” *Walker v. State*, 190 Md. App. 577, 583 (2010) (citation omitted), expressly authorizes a court to proceed with the initial appearance so long as the court “advise[s] the defendant that if the defendant appears for trial without counsel, the court could determine that the defendant waived counsel and proceed to trial with the defendant unrepresented by counsel.” Rule

¹The record does not contain transcripts of these proceedings.

4-215(a). Second, Mr. Owens does not cite any authority that required the court to appoint him counsel for the status hearing, and the record reflects that Mr. Owens was unrepresented at the hearing due to his previous rejection of representation by the Office of the Public Defender and failure to retain private counsel. Finally, the only action taken by the court at the status hearing was to reschedule the hearing, and trial, in accordance with Rule 4-215(d) (“[i]f the court finds that there is a meritorious reason for the defendant’s appearance without counsel, the court shall continue the action to a later time”). If a court does not violate Rule 4-215, it does not violate a defendant’s constitutional right to counsel, and hence, the court did not violate Mr. Owens’s right.

Mr. Owens next contends that Judge Twigg erred in “not recus[ing] himself until” the January 2023 hearing, because the judge “was the Judicial Official for scheduled, held[,] and cancelled/postponed/reset proceedings.” But, as the State notes, Mr. Owens does not contend that he moved for recusal at the “proceedings.” Mr. Owens also does not cite any authority that prohibited the judge from presiding at the February 2021 and February 2022 proceedings due to his previous service as State’s Attorney. Hence, we shall not reach Mr. Owens’s contention.

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