

Circuit Court for Howard County
Case No. 13-K-10-050813

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1727

September Term, 2017

EL SOUNDANI ELWAHHABI

v.

STATE OF MARYLAND

Kehoe,
Beachley,
Fader,

JJ.

Opinion by Fader, J.

Filed: August 23, 2018

* 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.

Shawnte Anne Levy, the appellant, is incarcerated at the North Branch Correctional Institution.¹ She would like the name on her prison identification badge to match her legal name.² Pursuant to Department of Public Safety and Correctional Services policy, because her legal name is different now than when she was originally incarcerated, making the change on her prison identification badge requires an order from the sentencing judge amending her commitment record. Ms. Levy filed an unopposed motion for such an order from the Circuit Court for Howard County. Without explanation, the court denied Ms. Levy’s motion. The circuit court, again without explanation, also denied Ms. Levy’s unopposed motion to reconsider that decision. In her appeal, Ms. Levy asks us to reverse. The State finds itself unable to identify any rationale for the circuit court’s decision and suggests that we remand to allow the court to explain. We will do so.

Ms. Levy makes a strong argument as to why the circuit court should have amended the commitment record. In addition to the obvious—Shawnte Anne Levy is now her legal name—she points out that the State is required by statute and regulation to accept court orders as proof of name changes in a variety of other contexts. The State concedes this and adds that it “knows of no authority that sets the bar higher for commitment records.” Ms. Levy also asserts that a name change would not itself affect her housing assignment.

¹ In January 2015, the Circuit Court for Allegany County issued an order legally changing appellant’s name from El Soudani El Wahhabi to Shawnte Anne Levy. Given that different spellings of Appellant’s old and new names appear in the record, we use the same spellings as the court order that legally changed her name.

² As Ms. Levy identifies as female, we refer to her using feminine pronouns.

The State candidly acknowledges that it cannot identify any valid justification for the circuit court’s decision on this record. Neither can we. A court order demonstrates a valid name change. *See In re Heilig*, 372 Md. 692, 714, 718-19 (2003) (discussing several methods by which courts can order name changes); Md. Rule 15-901(g) (a successful action for a judicial change of name culminates with the court “enter[ing] an appropriate order”). Ms. Levy’s name is now Shawnte Anne Levy, the State apparently sees no threat to its interests if the commitment record reflects that fact, and no one has identified any other interests that might be adversely affected by granting Ms. Levy’s request. Although we cannot go so far as to say that there are no circumstances in which it would be appropriate to deny a prisoner’s request for her or his commitment record to reflect her or his legal name, we are hard pressed to identify any on this record.

In the absence of any written findings or explanation for denying the motion, we find ourselves unable to review effectively the circuit court’s decision. We therefore believe it prudent to remand to the Circuit Court for Howard County for further proceedings. Assuming the court continues to believe the motion should be denied, it should set forth in writing the basis for its denial.

**CASE REMANDED WITHOUT
AFFIRMANCE OR REVERSAL TO THE
CIRCUIT COURT FOR HOWARD
COUNTY FOR FURTHER PROCEEDINGS
CONSISTENT WITH THIS OPINION.
COSTS TO BE PAID BY HOWARD
COUNTY.**