

Circuit Court for Prince George's County
Case No. C-16-JV-24-000488

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2020

September Term, 2024

IN RE: A. G-E.

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

JJ.

PER CURIAM

Filed: March 3, 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.

Appellant, A. G-E., was found by the Circuit Court for Prince George’s County, sitting as the juvenile court, to have been involved in second-degree arson, second-degree malicious burning, and reckless endangerment based on his having started a fire in an abandoned high school. Following a disposition hearing, he was placed on two years of supervised probation with “a suspended staff secure placement.” Appellant raises three issues on appeal: (1) whether the court erred in finding that the State had not committed a discovery violation when it failed to provide him with footage from the investigating officer’s body-worn camera; (2) whether the court erred in limiting the cross-examination of one of the State’s witnesses; and (3) whether the court erred in imposing a “suspended placement.” The State concedes that the court erred in not finding a discovery violation, and that, because the error was not harmless, reversal is required. We agree and shall vacate the judgment of the circuit court and remand the case for further proceedings. In light of our decision, we need not address appellant’s remaining contentions, nor is it necessary to set forth all the evidence at trial.

The sole witness who implicated appellant at the adjudication hearing was N. She testified that she went into an abandoned high school with appellant and another juvenile named L. and, once inside, she observed them light a mattress on fire in one of the hallways outside the gymnasium. Approximately one month after the fire, N. was interviewed by Investigator Brandon Goff of the Office of the Fire Marshal for Prince George’s County

and Detective Martinez.¹ During that interview she provided a short, written statement which essentially mirrored her trial testimony.

Prior to trial, appellant made multiple requests to obtain any impeachment evidence, and any statements made by any of the State’s witnesses. Approximately one week before trial, the prosecutor informed appellant that “they spoke to Captain Goff and that [a written statement provided by N.] is the statement she made[,] there was no other statement from anyone else.” However, during the adjudicatory hearing Investigator Goff testified that he and Detective Martinez had both been wearing a body-worn camera, and that those cameras had recorded the entirety of the interview with N. At this point, defense counsel informed the court that he had specifically requested “the body-worn cameras” but none had been provided. The prosecutor agreed and stated that “requests were made to try to obtain a body-worn camera[,]” but “[n]othing was ever provided” by the Fire Marshal’s Office. Appellant then requested the court to find a discovery violation, asserting that any items in the possession of Investigator Goff were also in possession of the State for discovery purposes because he reported to the prosecutor. The court, however, declined to find a discovery violation.

The next day appellant filed a motion for sanctions, and to compel discovery, with respect to the body-worn cameras. As relief, appellant asked the court to either dismiss the case, exclude the testimony of the witnesses, and/or compel the disclosure of the missing footage. When the parties appeared back in court one week later, the footage had still not

¹ The record does not contain Detective Martinez’s first name or what agency he worked for.

been provided to appellant. In response to appellant’s motion, the prosecutor claimed that it was “duplicative” of the previously raised oral motion, and that the State did not violate the discovery rules due to its “multiple attempts through multiple attorneys to obtain this body-worn camera footage[.]” The court ultimately found that no discovery violation had occurred because the State was “not in possession of this body cam footage by Captain Goff.”

After the conclusion of the adjudicatory hearing, the State finally sent a copy of Investigator Goff’s body-worn camera footage to appellant, which included his interview with N. In the video footage: (1) N. initially denied knowing about the fire; (2) N. told Investigator Goff that she only knew one of the perpetrators’ names, and provided a name different than appellant’s or L,’s; (3) Investigator Goff was the first person to mention appellant’s name, and then asked N. to confirm whether appellant was actually the other person she had mentioned; (4) N. initially denied that appellant had burned anything; and (5) N. told Investigator Goff she was unsure where the mattress that had been set on fire was located.

Appellant contends that the State’s failure to provide him with the footage from Investigator Goff’s body-worn camera constituted a discovery violation. The State agrees, as do we. When, as here, the court makes no finding that the State violated the discovery rule, we first conduct a de novo review of whether a discovery violation has occurred. *See Cole v. State*, 378 Md. 42, 56 (2003). Then, “[w]e review any discovery violation for harmless error.” *Alarcon-Ozoria v. State*, 477 Md. 75, 91 (2021).

Maryland Rule 4-263(d) requires the State, “without the necessity of a request” to provide to the defense “all written statements” of each State’s witness that it intends to call and “[a]ll material or information in any form . . . that tends to impeach a State’s witness.”² A “written statement” “includes the substance of a statement of any kind . . . that is embodied or summarized in a writing or recording[.]” Md. Rule 4-263(b)(6)(B). These discovery obligations of the State’s attorney “extend to material and information that must be disclosed” and are in the possession and control of “the attorney, members of the attorney’s staff, or any other person who either reports regularly to the attorney’s office or has reported to the attorney’s office in regard to the particular case.” Md. Rule 4-263(c)(2). “The State’s compliance with these rules is never discretionary, as the Maryland Rules of Procedure have the force of law; they are not mere guides but are ‘precise rubrics’ to be strictly followed.” *Williams v. State*, 364 Md. 160, 171 (2001) (cleaned up), *abrogated on other grounds by State v. Jones*, 466 Md. 142 (2019).

Here, appellant multiple times requested copies of all written statements made by the State’s witnesses, and all impeachment evidence prior to the adjudication hearing. And the footage from Investigator Goff’s body-worn camera contained both categories of information. Yet the footage was not turned over to appellant until after the adjudication hearing had concluded. To be sure, the prosecutor indicated that he, and others in his office, had requested the footage from the Fire Marshal’s Office and never received it. But that does not mean, as the court found, that no discovery violation occurred. In addition to

² Maryland Rule 11-418(a) provides that, subject to certain exceptions not relevant here, discovery in juvenile causes is governed Maryland Rule 4-263.

signing the juvenile arrest report, Investigator Goff testified that he was the “lead investigator” and that he “kept a case file about this investigation” that he had turned over to the State. Under these circumstances, we are persuaded that Investigator Goff “reported to the attorney’s office” with respect to appellant’s case. Consequently, the prosecutor was deemed to be in possession of his body-worn camera and required to produce it to appellant. Because it was not disclosed prior to the adjudicatory hearing, the juvenile court’s ruling that no discovery violation occurred was, therefore, error.

The State also concedes that the error was not harmless. Again, we agree. N.’s testimony was central to the State’s case as she was the only witness who identified appellant and implicated him in the charged offenses. As previously set forth, the footage from the body-worn camera contained statements by both N. and Inspector Goff which could have been used to impeach N.’s testimony, and thus undermine her credibility. Moreover, that information was not contained in any of the other discovery materials that had been provided to appellant. In short, the discovery violation inhibited appellant’s ability to prepare a defense and possibly impacted the credibility of the State’s primary witness. Reversal is therefore appropriate. *Dionas v. State*, 436 Md. 97, 110 (2013).

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY VACATED AND CASE
REMANDED FOR FURTHER
PROCEEDINGS. COSTS TO BE
PAID BY PRINCE GEORGE’S
COUNTY.**