

Circuit Court for Montgomery County  
Case No. C-15-CR-24-000722

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2298

September Term, 2024

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KVAUGHN B. HINES

v.

STATE OF MARYLAND

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

JJ.

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PER CURIAM

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Filed: April 30, 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 the Circuit Court for Montgomery County of possession of a controlled dangerous substance, Kvaughn B. Hines, appellant, presents for our review a single issue: whether the court erred in denying his motion to dismiss. For the reasons that follow, we shall affirm the judgment of the circuit court.

On February 26, 2024, Mr. Hines was charged in the District Court for Montgomery County with two counts of possession of a controlled dangerous substance. On April 12, 2024, the parties appeared in the district court for trial.<sup>1</sup> The prosecutor requested a postponement on the ground that “the drugs have not been able to be tested yet.” The court denied the request. The prosecutor subsequently “enter[ed] the matter nolle prosequi.”

On June 13, 2024, Mr. Hines was charged by indictment in the circuit court with possession of a controlled dangerous substance with intent to distribute and possession of a controlled dangerous substance. On June 26, 2024, defense counsel entered his appearance. On July 24, 2024, Mr. Hines filed a motion to dismiss, in which he argued in pertinent part:

The Defendant has a constitutional right to a speedy trial. *Barker v. Wingo*, 407 U.S. 514 (1972), *Singh v. State*, 247 Md. App. 322 (2020). The Defendant also has a statutory right to a speedy trial under Maryland Criminal Procedure Article 6-103 and Maryland Rule 4-271(a).

While the State generally has the right to enter a Nolle Prosequi and then recharge a case, there is significant caselaw indicating that the State may not nol pros a case for the purpose of circumventing speedy trial requirements. *Alther v. State*, 157 Md. App. 316[] (2004),[] *Curley v. State*, 299 Md. 449 (1984), [*State v. Price*], 385 Md. 261 (2005).

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<sup>1</sup>Although the record does not contain a transcript of this proceeding, Mr. Hines includes in his brief what is purportedly an excerpt of the transcript, and the State does not challenge the accuracy of the excerpt.

In *Price*[,] the State sought a continuance a week before the trial date due to DNA not being tested. The trial date was three months prior to the *Hicks* date. The administrative judge expressly found that there was no good cause for a continuance and that the trial must proceed. The State then entered a Nolle Prosequi as it did not have sufficient evidence to proceed. The State later filed a new indictment and the Defendant moved to dismiss. The Circuit Court for Montgomery County granted the Defendant’s motion to dismiss. The Court of Appeals, in affirming the Circuit Court, found[:]

[T]he nolle pros did not have the “necessary effect” of circumventing the 180 day requirement of the statute and the rule; rather, it was for the purpose of circumventing, and, indeed, that intention was achieved, the requirement of the statute and the rule that trials proceed except when there has been a finding of good cause by the administrative judge. Accordingly, we agree with the Court of Special Appeals that “the purpose for entering the nol pros in the case under consideration was to circumvent the authority and decision of the administrative judge.”

[385 Md. at 278-79 (internal citation omitted).]

In the above captioned case the State expressly circumvented the District Court’s denial of a continuance, based on a lack of good cause, by entering a nolle prosequi and then recharging the case. The fact that the State added a felony charge and filed an indictment is irrelevant. The Court in *Price* directly prohibits the State from circumventing the denial of a continuance by entering a Nolle Prosequi and then later recharging the Defendant.

(Citation, paragraph numbering, and quotations omitted.) The State opposed the motion on the grounds that Mr. Hines’s “reliance on . . . *Price* is misplaced” and his “constitutional right to a speedy trial has not been violated since the length of any delay is not presumptively prejudicial.”

At a hearing on the motion, the prosecutor stated, in pertinent part:

[I]n order for our office to consider a possession with intent to distribute, we speak with our experts. And they’re not willing to give an expert opinion until they’ve seen all of the discovery, which would include that chem report.

I don't think that – so I guess that is sort of one of the stopgaps before we give it to an expert to give an expert opinion, which we use for the possession with intent to distribute. So at the time that I spoke with special investigations, we did have that chem report so I was able to provide them everything we had in discovery for them to review and give an expert opinion.

Following the hearing, the court denied the motion, stating:

. . . I read *Price* again last night. And I did think to myself, well, this all talks about Circuit Court. And I think – so I hear [defense counsel's] argument that it's really analogous. And I think what he's trying to say is . . . Rule 4-271 is the applicable rule, Section (b), Change of a Trial Date in the District Court. The date for trial in the District Court may be changed on a motion of a party or on the court's initiative and for good cause shown. So analogizing what happened in *Price* to what happened here. I would agree if this case were recharged in District Court, we would have an analogy, but it was recharged in the Circuit Court. So the State isn't changing the date in District Court. They've brought an entirely different case.

Now, [defense counsel] says they're doing that to skirt around the rule, but I heard from [the prosecutor] that they were able to speak with an expert after they got the report. They can't speak with an expert before they get the report, which makes sense. No expert is going to want to talk without seeing a report. And as a result of speaking with an expert, they made a new evaluation. I accept that at [the prosecutor's] word. And so I don't find that the reason was to skirt around the District Court ruling where we would have something analogous to *Price*. Nor do I find that it had the necessary effect because we're now in Circuit Court on a new case with a new charge.

On November 21, 2024, Mr. Hines submitted a conditional plea of guilty to the aforementioned offense on an agreed statement of facts. The court convicted Mr. Hines of the offense.

Mr. Hines contends that the court erred in denying the motion to dismiss, because “the State is prohibited from escaping the necessity, mandated by” Md. Code (2001, 2018

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Repl. Vol, 2023 Supp.), § 6-103 of the Criminal Procedural Article (“CP”)<sup>2</sup> “and Rule 4-271, of showing good cause for a postponement and obtaining an order of the administrative judge by entering a nolle prosequi and later refileing the same charges” (quotations and brackets omitted), and “this rule should be equally applicable to cases in which a nolle prosequi is entered in the District Court and the same or similar charges filed in circuit court.” Mr. Hines does not cite any authority that supports this contention. On the contrary, we have stated that “based on the plain language of Rule 4-271, only proceedings in the *circuit court* – not the district court – trigger the 180-day clock.” *White*

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<sup>2</sup>CP § 6-103 states, in pertinent part:

(a)(1) The date for trial of a criminal matter in the circuit court shall be set within 30 days after the earlier of:

(i) the appearance of counsel; or

(ii) the first appearance of the defendant before the circuit court, as provided in the Maryland Rules.

(2) The trial date may not be later than 180 days after the earlier of those events.

(b)(1) For good cause shown, the county administrative judge or a designee of the judge may grant a change of the trial date in a circuit court:

(i) on motion of a party; or

(ii) on the initiative of the circuit court.

(2) If a circuit court trial date is changed under paragraph (1) of this subsection, any subsequent changes of the trial date may only be made by the county administrative judge or that judge’s designee for good cause shown.

*v. State*, 223 Md. App. 353, 374 (2015) (citations omitted) (emphasis in original). Here, defense counsel entered his appearance on June 26, 2024, and Mr. Hines entered his plea less than 180 days later. Neither CP § 6-103 nor Rule 4-271 was violated, and hence, the court did not err in denying the motion to dismiss.

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