

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2503

September Term, 2023

IN THE MATTER OF THE PETITION OF
RICHARD D. MOISE

Wells, C.J.,
Friedman,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 1, 2025

*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.

In 2023, Richard D. Moise, appellant, filed a petition in the Office of Administrative Hearings (OAH) pursuant to Section 10-501 of the State Finance and Procurement Article (the Walter Lomax Act) seeking a declaration of eligibility for compensation as a wrongfully convicted individual. Notably, appellant is currently serving a 70-year sentence for multiple convictions, which have not been reversed or vacated. The OAH ultimately dismissed the petition on the grounds that appellant was not eligible for compensation.

Appellant then filed a petition for judicial review in the Circuit Court for Baltimore City. The State filed a motion to either dismiss or transfer the petition based on improper venue because none of the parties resided or had their principal place of business in Baltimore City. The circuit court granted the motion and dismissed the petition. Appellant now appeals, raising two issues: (1) whether the court erred in finding that venue was improper in Baltimore City,¹ and (2) whether the court erred in “failing to notify the parties of the proceeding per Md. Rule 7-202(d)(1).” For the reasons that follow, we shall affirm.

Appellant first contends that the court erred in finding that venue was improper in Baltimore City. We disagree. Section 10-222(c) of the State Government Article states that petition for judicial review must be “filed with the circuit court for the county where any party resides or has a principal place of business.” The Walter Lomax Act further provides that a petition for eligibility shall name the Board of Public Works (the Board) as

¹ Appellant does not contend that, if venue was improper, the court abused its discretion in dismissing the petition rather than transferring it to another county. Therefore, we do not address that issue on appeal. *Klaenberg v. State*, 355 Md. 528, 552 (1999) (noting that “arguments not presented in a brief or not presented with particularity will not be considered on appeal”).

the respondent, and that the “parties to a proceeding” are the “the State’s Attorney of the county where the crime was committed, or the State’s Attorney’s designee,” and “the State, represented by the Attorney General, or the Attorney General’s designee.” State Fin. & Proc. § 10-501(b)(4). Thus, the parties for venue purposes were appellant, the State, and the Wicomico County State’s Attorney.

None of the aforementioned parties reside in or have their principal place of business in Baltimore City, a fact that appellant does not contest on appeal.² Appellant nevertheless claims that the Office of the Attorney General was also a party to the proceeding and that, because its principal place of business is in Baltimore City, venue was proper there. But Section 10-501(b)(4) provides that the State is to be “represented” by the Office of the Attorney General in any proceedings under the Act. It does not state that the Office of the Attorney General is a party. A legal representative of a party is not a party for the purposes of venue. And nothing in Section 10-222(c) provides that a petition for judgment review may be filed where counsel for a party has its principal place of business. Consequently, we hold that venue was improper in Baltimore City and therefore, the court did not err in granting the State’s motion to dismiss.

Appellant also asserts that his due process rights were violated because the circuit court failed to notify the parties of the proceedings, as required by Maryland Rule 7-

² Appellant is currently incarcerated in Allegany County; the Wicomico County State’s Attorney has its principal place of business in Wicomico County; and to the extent that the State has a principal place of business, it would be in Anne Arundel County, which is established as the seat of government in the Maryland Constitution. Moreover, the Board of Public Works, although designated as a respondent rather than a party, is located in Anne Arundel County.

202(d)(1). That Rule, however, requires the clerk to “mail a copy of the petition to the agency, informing the agency of the date the petition was filed and the civil action number assigned[.]” And the clerk complied with that Rule by mailing notice to the Board on September 20, 2023, fifteen days after the petition for judicial review was filed.

Finally, to the extent that appellant intended to cite Rule 7-202(d)(3), which requires the agency to notify the parties regarding the petition for judicial review upon receipt from the clerk, nothing in the record indicates that the Board failed to do so. But in any event, appellant has not demonstrated how he was prejudiced by this alleged error. *See Barksdale v. Wilkowsky*, 419 Md. 649, 660 (2011) (stating that the appealing party has the burden “to show that an error caused prejudice”).

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**