

# Amicus Curiarum

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## Table of Contents

### THE SUPREME COURT

Attorney Discipline	
Sanction – Disbarment	
<i>Attorney Grievance Comm’n v. Donnelly</i> .....	3

### THE APPELLATE COURT

Constitutional Law	
Federal Preemption	
<i>In the Matter of Batchelor</i> .....	5
Criminal Law	
Peremptory Challenges	
<i>Hart v. State</i> .....	6
Criminal Procedure	
Constructive Civil Contempt	
<i>Dept. of Health v. Myers</i> .....	8
Estates & Trusts	
Equitable Adoption	
<i>In re: Estate of Schappell</i> .....	10
Environmental Law	
Discharge of Pollutants	
<i>In the Matter of the Petition of Blue Water Baltimore</i> .....	11
Torts	
Specific Jurisdiction Over Nonresident Entity	
<i>Haw v. N.C.A.A.</i> .....	12

Zoning & Planning  
    Regional District Act – Spot Zoning  
        *Heard v. County Council of Prince George’s Cty.* .....14

ATTORNEY DISCIPLINE .....16

JUDICIAL APPOINTMENTS .....17

UNREPORTED OPINIONS .....18

# SUPREME COURT OF MARYLAND

*Attorney Grievance Commission of Maryland v. Vernon Charles Donnelly*, AG No. 53, September Term 2022, filed February 27, 2024. Opinion by Hotten, J.

<https://www.mdcourts.gov/data/opinions/coa/2024/53a22ag.pdf>

ATTORNEY DISCIPLINE – SANCTIONS – DISBARMENT

## **Facts:**

The Attorney Grievance Commission of Maryland, acting through Bar Counsel (“Petitioner”), filed a Petition for Disciplinary and Remedial Action with the Supreme Court of Maryland alleging Vernon Charles Donnelly (“Respondent”), violated twelve Maryland Attorneys’ Rules of Professional Conduct (“MARPC”), including violations of MARPC 19-301.4 (Communication), 19-301.8(a) (Conflict of Interest; Current Clients; Specific Rules), 19-303.1 (Meritorious Claims and Contentions), 19-303.3(a) (Candor Toward the Tribunal), 19-308.1(a) (Bar Admission and Disciplinary Matters), and 19-308.4(a)–(d) (Misconduct). These alleged violations stemmed from a \$40,000 loan between Respondent and his client of which Respondent tried to avoid repayment.

The hearing judge found Respondent entered into the loan agreement without having first advised, in writing, of the desirability of seeking advice from independent counsel regarding the transaction; failed to repay the loan on time; continually refused to fully repay the loan; failed to communicate with the client regarding his proposed change to the loan; misrepresented the terms of the loan agreement before the Circuit Court for Calvert County, Bar Counsel, and during the disciplinary hearing; and engaged in conduct that was prejudicial to the administration of justice.

The hearing judge found the absence of mitigating factors, but found six aggravating factors, including Respondent’s prior discipline, selfish motive, submission of false testimony, pattern of misconduct, substantial experience in the field of law, and failure to acknowledge the wrongful nature of his conduct. The hearing judge concluded that Respondent violated six of the twelve MARPC violations alleged.

**Held:** Disbarred.

Based on an independent review of the record, the Court affirmed the hearing judge's legal conclusions on MARPC 19-301.4 (Communication), 19-301.8(a) (Conflict of Interest; Current Clients; Specific Rules), 19-303.1 (Meritorious Claims and Contentions), 19-303.3(a) (Candor Toward the Tribunal), 19-308.1(a) (Bar Admission and Disciplinary Matters), and 19-308.4(a)–(d) (Misconduct). As Petitioner took no exceptions to the conclusions of law, the Court did not reach the six unaddressed MARPC violations.

The Court reviewed Respondent's exceptions and held that none were applicable. The Court deferred to the hearing judge, who found the client credible and Respondent not to be credible, and overruled Respondent's exceptions to the findings of fact. *Att'y Grievance Comm'n v. Kalarestaghi*, 483 Md. 180, 220 n.7, 291 A.3d 728, 751 n.7 (2023). Similarly, the Court overruled the exceptions to the conclusions of law as the conclusions were supported by findings of fact which were not clearly erroneous. *Att'y Grievance Comm'n v. Tanko*, 408 Md. 404, 419, 969 A.2d 1010, 1019 (2009).

The Court also overruled Respondent's asserted mitigating factors. Further, the Court agreed with the hearing judge's finding of six aggravating factors over Respondent's exceptions: the Court had previously disciplined Respondent; Respondent's repeated mischaracterizations of the loan before the circuit court, Bar Counsel, and the hearing judge reflected a selfish motive to circumvent the disciplinary process and avoid repaying his client; Respondent exhibited a pattern of misconduct through these mischaracterizations and his repeated failure to discuss proposed changes to the loan with his client; Respondent has substantial experience in the field of law; and at all times, Respondent failed to acknowledge the wrongful nature of his conduct.

Respondent was held to be dissimilar to attorneys which were suspended rather than disbarred given their lack of a dishonest or deceitful motive, no actual harm to the client, no prior discipline, and their cooperation throughout Bar Counsel's investigation. Instead, Respondent misrepresented the loan agreement to avoid repaying his client and avoid discipline. Given the nature of Respondent's violations, the lack of mitigating factors, and the presence of several aggravating factors, the Court held disbarment was appropriate.

# APPELLATE COURT OF MARYLAND

*In the Matter of Brenda Batchelor*, No. 490, September Term 2022, filed February 28, 2024. Opinion by Zarnoch, J.

Nazarian, J. dissents.

FEDERAL PREEMPTION – FEDERAL LAW PREEMPTS AN ESTATE’S STATE LAW CLAIM CHALLENGING DISTRIBUTION FROM A DECEASED FEDERAL EMPLOYEE’S THRIFT SAVINGS PLAN

## **Facts:**

Bonnie Campbell named her husband, Michael, sole beneficiary of the proceeds of a Thrift Savings Plan (“TSP”) that she had established under the Federal Employees’ Retirement System (“FERSA”) Act of 1986. In 2010, the Campbells were divorced and, under a property settlement agreement, Mr. Campbell waived his right to the proceeds of the TSP account. However, Ms. Campbell never removed Mr. Campbell as the beneficiary of the TSP. In 2019, Ms. Campbell passed away and the TSP proceeds were paid to Mr. Campbell. Her Estate filed suit in the Circuit Court for Montgomery County seeking the return of the more than \$700,000 in TSP proceeds to the Estate – an action Mr. Campbell argued was preempted by FERSA. The circuit court granted judgment in favor of the Estate and this appeal followed.

**Held:** Reversed and remanded.

In a series of United States Supreme Court cases involving statutes similar to FERSA, a state court action to change or remove a designated beneficiary where before death an ex-spouse took no action to name a new beneficiary, was held to be preempted – even when the designated beneficiary waived that right under a divorce decree. Preemption hinged on the presence in the federal statute of an order of precedence in the receipt of a distribution as well as an anti-assignment provision. Such language suggests that without following federal rules for changing a beneficiary, the designated beneficiary and no other receives the benefit. FERSA contains such features. Thus, Mr. Campbell was entitled to the distribution.

The dissent contends that after FERSA benefits are distributed, there is no federal interest justifying preemption.

*Rodney Lopaz Hart, Jr. v. State of Maryland*, No. 1015, September Term 2022, filed February 28, 2024. Opinion by Arthur, J.

<https://www.mdcourts.gov/data/opinions/cosa/2024/1015s22.pdf>

## CRIMINAL LAW – PEREMPTORY CHALLENGES

### **Facts:**

In the Circuit Court for Prince George’s County, the State charged Rodney Hart with various offenses related to the thefts of three automobiles. Hart moved for separate trials for each of the three thefts. The court denied his motion to sever.

During jury selection, Hart objected after the prosecutor exercised two peremptory strikes against male prospective jurors. In response, the prosecutor offered multiple reasons for the strikes. First, the prosecutor asserted that the State wanted to empanel a “gender divers[e]” jury, meaning that the State wanted fewer men on the jury. In addition, the prosecutor claimed that the State struck one of the men because he had been sleeping and the other because it had no information about him. The circuit court upheld the strikes, finding that Hart had failed to prove purposeful discrimination.

At trial, the State presented evidence that Hart committed three automobile thefts during a two-month period. The victims testified that they had advertised their used cars for sale on online marketplace apps. In each instance, a man who identified himself as “Lorenzo” arranged to meet the victim and then drove away with the car after the victims allowed him to drive the car during a test drive.

The jury convicted Hart of: (1) three counts of theft of property valued between \$1,500 and \$25,000; (2) three counts of unauthorized removal of a motor vehicle; (3) two counts of unauthorized taking of a motor vehicle; and (4) three counts of rogue and vagabond as to a motor vehicle. The court sentenced Hart to an aggregate term of 15 years of imprisonment, with all but three years suspended, followed by five years of probation. Hart appealed.

**Held:** Reversed.

The Appellate Court of Maryland held that the circuit court erred when it overruled Hart’s objection to the peremptory strikes against two prospective jurors. On that basis, the Court reversed the judgments and remanded the case for a new trial.

Exercising peremptory strikes on the basis of race, gender, or ethnicity of a prospective juror violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. Under *Batson v. Kentucky*, 476 U.S. 79 (1986), trial courts must employ a three-

step analysis when a party alleges that the opposing party has exercised a peremptory strike on a discriminatory basis. The party challenging the strike must make a prima facie showing that the strike was exercised on an impermissible basis. If that preliminary burden is satisfied, the burden shifts to the proponent of the strike to give a neutral explanation. If a neutral explanation is offered, the trial court decides whether the party challenging the strike has proved purposeful discrimination.

For cases in which the proponent of a peremptory strike asserts that the strike was motivated by both permissible and impermissible factors, courts have adopted three different approaches. The first is the dual-motivation or mixed-motives approach, under which the court cannot uphold the strike unless the proponent persuades the court that it would have struck the juror anyway even absent an impermissible consideration. The second is the substantial motivating factor approach, under which the court cannot uphold the strike if it finds that an impermissible consideration was a substantial motivating factor for the strike. The third is the per se approach, under which the court cannot uphold the strike if it was motivated in any way by an impermissible consideration.

The Appellate Court of Maryland rejected the dual-motivation approach and declined to adopt the substantial motivating factor approach in this case, where the State admitted that the strike was based in part on an impermissible consideration. Adopting the per se approach, the Court held that trial courts cannot uphold a peremptory strike if it is based even in part on an impermissible consideration. When the proponent of a strike admits that the strike was exercised for a discriminatory reason, the proponent has failed to offer a neutral reason and the analysis does not progress beyond step two of *Batson*.

Although the Court reversed the convictions, the Court held that the trial court did not err in denying the motion for severance. Evidence of each of the three thefts would have been mutually admissible at separate trials for the purpose of proving identity, because the evidence showed that the thief used a distinctive modus operandi. In each instance, the thief identified himself as “Lorenzo”; arranged to meet sellers of high end, European cars using online marketplace apps; asked to test drive the car; and took the car either during the test drive or while the seller was distracted. In addition, all three thefts occurred within a brief period of time. The Court concluded that the trial court did not err in finding that the interests of judicial economy outweighed any potential prejudicial effect of the joinder. The interests of judicial economy weighed heavily in favor of joinder, because separate trials would have required the State to call and re-call the same witnesses to testify on the same issues in multiple trials.

*Maryland Department of Health v. Shawn Orland Myers, Jr., et al.*, Nos. 1901, 2074, 2150, 2162, 2163, 2280, 2281, 2283, 2284, 2286, 2287, 2288, 2289, & 2290, September Term 2022, filed February 29, 2024. Opinion by Graeff, J.

<https://www.mdcourts.gov/data/opinions/cosa/2024/1901s22.pdf>

## CONSTRUCTIVE CIVIL CONTEMPT – STATUTORY SANCTIONS – DUE PROCESS

### **Facts:**

In this consolidated appeal, the Maryland Department of Health (the “Department”) challenged 14 separate orders that were issued due to its failure to timely admit defendants who had been found incompetent to stand trial (“IST”) and dangerous to a psychiatric facility. Shawn Orland Myers, Jr., and Zachary Murphy, filed, respectively, petitions for constructive civil contempt in the Circuit Court for Anne Arundel County, alleging that the Department willfully failed to comply with the court’s orders requiring it to admit the defendants to a Department facility within the 10-day time required by statute. The court found the Department in constructive civil contempt in both matters and imposed sanctions for contempt, as well as statutory-authorized sanctions.

The Department also challenged 12 orders issued by the Circuit Court for Baltimore City, ordering it to reimburse the Maryland Department of Public Safety and Correctional Services (“DPSCS”) for operating costs at the rate of \$166 per day for its failure to admit 12 individuals, who had been found to be IST and dangerous and committed to a Department facility. The court found that DPSCS was entitled to reimbursement because the Department did not admit the individuals to a Department facility within the 10-day period required by statute, and they remained in jail.

**Held:** Judgment reversed in part, affirmed in part, and remanded in part.

Where the court finds an individual to be incompetent to stand trial (“IST”) and dangerous and commits the individual to the Maryland Department of Health (the “Department”) with an order to admit the defendant to a designated health facility within 10 business days, and the Department does not admit the defendant to a Department facility within that time period, there are two ways to attempt to compel compliance. First, a party can file an action for constructive civil contempt. Second, a party can file an action for statutory sanctions under Md. Code Ann., Criminal Procedure (“CP”) § 3-106(c)(4) (2023 Supp.).

Constructive civil contempt requires a finding, based on evidence, of a willful failure to comply with the court’s commitment order. In addition, an order holding an individual in constructive civil contempt is valid only if it:



(1) imposes a sanction; (2) includes a purge provision that gives the contemnor the opportunity to avoid the sanction by taking a definite, specific action of which the contemnor is reasonably capable; and (3) is designed to coerce the contemnor's future compliance with a valid legal requirement rather than to punish the contemnor for past, completed conduct.

Because the record does not support the finding that the Department willfully failed to comply with the Anne Arundel County commitment orders, the court's finding in this regard was clearly erroneous, and it abused its discretion in holding the Department in contempt.

In addition to a contempt finding, a court can impose sanctions pursuant to CP § 3-106. To find a violation of CP § 3-106(c)(2) and impose sanctions under CP § 3-106(c)(4), the court needs to find only that the Department failed to admit an individual deemed IST and dangerous to a designated health facility within the statutorily required 10-day period. A finding that the Department acted willfully or had the present ability to comply with the commitment order is not required. If the court finds a failure to timely admit a defendant, the statute provides for the imposition of sanctions "reasonably designed to compel compliance." In Mr. Myers' case, the court did not abuse its discretion in finding that a sanction of \$1,000 a day satisfied that standard. In Mr. Murphy's case, the court imposed a sanction to reimburse the detention center for the cost to house Mr. Murphy, but because there was no evidence supporting the sanction amount, imposition of the sanction was improper.

In either a contempt or statutory enforcement action, the Department must be given notice of the claim and an opportunity to be heard before a court may impose sanctions for failure to timely place a defendant in a Department facility. Because the orders in the 12 Baltimore City cases violate the Department's due process rights, we reverse those judgments.

*In Re: The Estate of Michael Gerard Schappell*, No. 2048, September Term 2022, filed February 28, 2024. Opinion by Eyler, J.

<https://www.mdcourts.gov/data/opinions/cosa/2024/2048s22.pdf>

## EQUITABLE ADOPTION – TRANSFER OF ISSUES FROM ORPHANS COURT TO CIRCUIT COURT – JURY TRIAL

### **Facts:**

Michael G. Schappel, the decedent, died intestate, survived by a stepdaughter, appellant, and distant heirs. Appellant filed in the Orphans' Court for Montgomery County a petition for judicial probate, a petition to be appointed personal representative and, relying on equitable adoption, a petition to be declared an heir.

The orphans court transferred issued to the circuit court. Appellant appealed.

The opinion reviews the law of equitable adoption generally and in Maryland. There are 5 reported Maryland cases. Although the Maryland Courts have discussed the rationale underlying the doctrine, including concepts of specific performance and equitable estoppel, the Courts have not adopted a specific rationale.

### **Held:**

For purposes of intestate succession, the Court adopted a fairness rationale, based on clear and convincing evidence of relevant circumstances, including the intent of the decedent and the functional relationship between the decedent and the putative child.

The test for equitable adoption is one of fairness, considering all relevant circumstances including evidence of the intent of the decedent to treat the putative child as a natural or adopted child and the circumstances demonstrating that the decedent and the putative child functioned as a parent and natural or adopted child would function. The evidence must be clear and convincing.

Equitable adoption is a mixed question of law and fact and may be transferred to a circuit court.

Equitable adoption is an equitable remedy. When first level facts are not in dispute, whether equitable adoption exists is decided by a judge, not a jury.

*In the Matter of the Petition of Blue Water Baltimore, Inc., et al.*, Nos. 1426 & 1803, September Term 2022, filed January 31, 2024. Opinion by Nazarian, J.

<https://www.mdcourts.gov/data/opinions/cosa/2024/1426s22.pdf>

ENVIRONMENTAL LAW – PERMITS AND CERTIFICATIONS – DISCHARGE OF POLLUTANTS

**Facts:**

Environmental advocates challenged the most recent stormwater permits issued by the Maryland Department of the Environment (the “Department”) to Baltimore City and Baltimore County. They argued that the permits don’t do enough to limit pollution or flooding, are legally deficient, and require a do-over. In consolidated cases initiated in the Circuit Courts for Baltimore County and Baltimore City, the environmental advocates asserted that (1) the municipal separate storm sewer system (“MS4”) permits failed to meet water quality standards of receiving waters, (2) the permits violated the anti-backsliding provision of the Clean Water Act, and (3) the Department otherwise failed to “consider the totality of information available, resulting in disproportionate impacts.” The Department and City of Baltimore defended the permits and both circuit courts affirmed the final determination of the Department to issue them.

**Held:** Affirmed.

The Appellate Court affirmed, holding that the Department is afforded wide flexibility in choosing MS4 permit terms that comply with the federal maximum extent practicable (“MEP”) standard. The Department has discretion to include water quality-based effluent conditions in addition to the MEP standard to protect water quality and has broad discretion in how it achieves consistency with wasteload allocations (“WLAs”). The Court held that the Department did not act arbitrarily or capriciously in issuing MS4 permits with terms it found consistent with applicable total maximum daily load WLAs to protect water quality and found that the administrative record revealed a rational basis for and substantial evidence to support the Department’s decision to include the challenged permit requirements.

*Brandon Haw v. National Collegiate Athletic Association*, No. 866, September Term 2022, filed February 1, 2024. Opinion by Arthur, J.

<https://mdcourts.gov/data/opinions/cosa/2024/0866s22.pdf>

PERSONAL JURISDICTION – SPECIFIC JURISIDICIION OVER NONRESIDENT ENTITY

**Facts:**

The National Collegiate Athletic Association (NCAA) is an unincorporated association of colleges and universities that issues and enforces rules governing college athletics. NCAA rules address matters such as eligibility of student-athletes, recruitment of student-athletes, and scholarships and other financial aid. The NCAA also establishes rules of play for each sport and establishes rules and guidelines for the health and safety of athletes. The NCAA’s headquarters presently are located in Indianapolis, Indiana.

Beginning in 1998, several colleges that are members of the NCAA sent communications to Brandon Haw, a Maryland resident, in efforts to recruit him to play college football for their programs. Haw accepted a scholarship offer from Rutgers University. From 1999 through 2003, Haw played NCAA Division I football at Rutgers. During college, Haw lived in New Jersey but maintained his permanent residence in Maryland. After college, he played professional football for a few years before returning to Maryland. In the years after his football career ended, Haw exhibited symptoms of chronic traumatic encephalopathy (CTE), a neurodegenerative disease caused by repeated head trauma.

In 2021, Haw filed a complaint against the NCAA in the Circuit Court for Baltimore City. Haw alleged that he suffers brain disease as a result of concussive and sub-concussive injuries that he sustained while playing college football. Haw alleged that, over many decades, medical authorities repeatedly informed the NCAA that the head impacts routinely sustained in the game of football cause long-term brain disease. Haw alleged that, despite this knowledge, the NCAA failed to inform players recruited by NCAA members of the dangers known to the NCAA, failed to establish rules of the game to make it reasonably safe, and failed to establish a protocol for the diagnosis and treatment of concussive injuries. The complaint raised claims for negligence, intentional misrepresentation, misrepresentation by concealment, and constructive fraud.

The NCAA moved to dismiss the complaint for lack of personal jurisdiction. The circuit court granted the motion and dismissed the complaint. Haw appealed.

**Held:** Reversed and remanded.

Although the Court rejected two grounds for personal jurisdiction proposed by the plaintiff, the Appellate Court of Maryland held that the NCAA was subject to personal jurisdiction in Maryland with respect to the claims raised in this action.

First, the Court rejected the plaintiff's contention that the NCAA is subject to general jurisdiction in Maryland. A defendant is subject to general jurisdiction in a state only if the defendant is "essentially at home" in that state. A corporation is considered to be at home in: its state of incorporation; the state where it maintains its principal place of business; and, in exceptional cases, in another state if its operations are of such a nature as to render it essentially at home in that state. The NCAA, an unincorporated association with its headquarters in Indiana, lacks any affiliation with Maryland comparable to one that would make a corporation subject to general jurisdiction in Maryland. Thus, the NCAA is not "essentially at home" in Maryland. The Court rejected the plaintiff's theories that an unincorporated association should be subject to general jurisdiction in any state where its members reside or in any state where it is capable of being served with process, concluding that these theories were unfounded.

Second, the Court rejected the plaintiff's contention that the NCAA was subject to specific jurisdiction in Maryland based on the activities of NCAA member institutions that recruited or attempted to recruit the plaintiff to play college football while he lived in Maryland. The plaintiff argued: that an unincorporated association lacks any legal existence independent from its members; that member institutions act as agents of the NCAA when they recruit athletes; that the NCAA is a joint venture because the NCAA has described itself as a joint venture in the context of antitrust law; and that the NCAA substantially influenced the decisions of its members to recruit athletes in Maryland. Rejecting each of these arguments, the Court concluded that the plaintiff failed to establish the existence of an agency relationship or some other basis for imputing the actions of NCAA members to the NCAA itself.

Finally, the Court concluded that the NCAA is subject to specific jurisdiction based on its own contacts with Maryland. Specific jurisdiction exists if: (1) the defendant has purposefully directed its activities at residents of the forum state; (2) the plaintiff's claims either arise out of or relate to those activities; and (3) the exercise of personal jurisdiction is constitutionally reasonable. The Court concluded that the NCAA has purposefully directed its activities at Maryland by issuing comprehensive rules for college football, including rules related to the recruitment of athletes, rules related to gameplay, and rules related to the health and safety of athletes. The claims raised by the plaintiff, who alleges that his injuries result from the NCAA's negligent or reckless rulemaking, are related to those purposefully-directed activities. As a Maryland resident who claims to have suffered part of his injury in Maryland, the plaintiff established an adequate link between his claims and the NCAA's activities directed at Maryland. Finally, the NCAA failed to present a compelling case that the exercise of personal jurisdiction in these circumstances would be constitutionally unreasonable.

*Bradley E. Heard v. County Council of Prince George’s County Sitting as District Council, et al.*, No. 1794, September Term 2022, filed February 2, 2024. Opinion by Wells, C. J.

<https://mdcourts.gov/data/opinions/cosa/2024/1794s22.pdf>

ZONING – STANDING – AGGRIEVEMENT

ZONING – REGIONAL DISTRICT ACT – COUNTY CHARTER

ZONING – SPOT ZONING – VALID PUBLIC PURPOSE

**Facts:**

This appeal arises from a judgment of the Circuit Court for Prince George’s County dismissing appellant Bradley Heard’s petition for judicial review of co-appellee Prince George’s County Council’s (sitting as the “District Council”) enactment of zoning bill CB-42-2021. The ordinance amended the R-55 (single-family detached residential) zone to allow for the adaptive reuse of an abandoned public-school building by the Mission of Love Charities, the other appellee. CB-42-2021 made no reference to the specific school building that Mission of Love Charities sought to use, but applied only to a former public school meeting certain criteria, including that it was to be “adaptively reused primarily by an eleemosynary, or philanthropic institution.” Heard argued that the criteria were so specific as to render the bill “spot or contract zoning,” and that it had been enacted in contravention of the county charter.

The circuit court did not reach the merits of Heard’s claims, finding that he lacked both property owner and taxpayer standing to challenge the passage of the bill.

**Held:** Affirmed.

Heard had standing to contest the enactment of CB-42-2021 because he was the type of “aggrieved person” conferred standing by Maryland Code, Land Use § 22-407. He lives approximately 800 feet from the subject property and showed under the “non-demanding” statutory requirements of LU § 22-407 that he and other neighboring county residents would suffer a pecuniary loss because of the District Council’s decision.

The District Council properly enacted CB-42-2021. The RDA was enacted to specifically give the district councils of Montgomery and Prince George’s Counties the exclusive authority to enact zoning ordinances such as CB-42-2021. The District Council did not have to obtain the County Executive’s assent before the bill was enacted under Charter Section 411, nor was the District Council required to delay adoption of the bill by forty-five days as prescribed by Charter Section 318.

As to whether CB-42-2021 constituted spot zoning, rezoning constitutes spot zoning where it is inconsistent with the use permitted in the rest of the district (that is, not in accordance with the comprehensive plan) and merely private gain. First, Heard did not demonstrate that CB-42-2021 was inconsistent with the relevant comprehensive plan, Prince George's County Plan 2035.

Second, the use of the school by Mission of Love would yield a public benefit, so CB-42-2021 did not serve an impermissible private purpose. Applying the majority's reasoning in *Prince George's County Council v. Concerned Citizens of Prince George's County*, 485 Md. 150 (2023), supported the finding that CB-42-2021 served a public purpose. In *Concerned Citizens*, the Supreme Court of Maryland held that amending the table of uses in such a way that it only would affect a single property did not violate the uniformity requirement. Despite the fact that the amendment would have had a site-specific affect, it would have served to benefit the public, and the record provided no indication that the amendment was enacted for an illicit private purpose. Similarly, it was undisputed in the record that CB-42-2021 acted to serve a public purpose and there was no countervailing evidence of an impermissible private purpose.

# **ATTORNEY DISCIPLINE**

## **DISBARMENTS/SUSPENSIONS**

By an Opinion and Order of the Supreme Court of Maryland dated February 27, 2024, the following attorney has been disbarred:

**VERNON CHARLES DONNELLY**

\*



# JUDICIAL APPOINTMENTS

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On January 29, 2024, the Governor announced the elevation of the **Kirk Chalis Downey** to the Circuit Court for Washington County. Judge Downey was sworn in on February 16, 2024, and fills the vacancy created by the passing of the Hon. Andrew F. Wilkinson.

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# UNREPORTED OPINIONS

The full text of Appellate Court unreported opinions can be found online:

<https://mdcourts.gov/appellate/unreportedopinions>

	<i>Case No.</i>	<i>Decided</i>
<u>A</u>		
Ali, Seifullah A. v. State	0168	February 5, 2024
Arrow Parking Corp v. Cade	2223 *	February 1, 2024
<u>B</u>		
B., Richard K. v. State	0222	February 2, 2024
Basil-Flippen, Theresa R. v. General Electric	1427 *	February 8, 2024
Besche, Frederick William v. Besche	2277 *	February 23, 2024
Black, James v. The Bowman Group	0299	February 28, 2024
Brown, Carolyn G. v. Brown	0440	February 6, 2024
Brown, Tiran v. State	1289	February 5, 2024
<u>C</u>		
Calero-Medrano, Jose Enrique v. State	2076 *	February 22, 2024
Canterbury, Shereece v. Ansell	0405	February 5, 2024
Carey, Kyle Alexander v. State	0172	February 2, 2024
Carpenter, Kirby v. Jenkins	1651 *	February 14, 2024
Carrera, Latonja v. Nat'l. Cong. of Parents & Teachers	0153	February 14, 2024
Cars Plus v. Raja	0443	February 28, 2024
Carter, Carroll v. State	1569 *	February 5, 2024
Cato, Donnell Lee v. State	1931 *	February 21, 2024
Ceron, Claudia v. Kamara	1293 *	February 8, 2024
Charlestown Manor v. Lloyd	1846 **	February 26, 2024
Chelsea Woods Courts Condo. v. Gates BF Investors	0053	February 1, 2024
Constantine, Crystal Renae v. Balt. Wash. Emerg. Phys.	2132 *	February 28, 2024
Cooper, Jason v. State	0305	February 2, 2024
Cornfield, Alan v. Feria	0082	February 8, 2024
Courts at Regent Park v. Regent Park Master Ass'n.	1778 *	February 5, 2024
<u>D</u>		
Dorsey, Tremayne Middleton v. State	0346	February 28, 2024
Draper, Carolyn M. v. State	0371	February 9, 2024

September Term 2023

\* September Term 2022

\*\* September Term 2021

<u>E</u>		
Edwards, Matthew Paul v. Denner	0633	February 8, 2024
Effect, Inc. v. Highland Beach Bd. Of Appeals	2043 *	February 14, 2024
Evans, Kenneth Glenn v. State	0242	February 9, 2024
<u>F</u>		
Fells, James Earl v. State	0349	February 2, 2024
Free, Roy David v. State	2126 *	February 5, 2024
<u>G</u>		
God's Glory v. Worrell	2095 *	February 7, 2024
<u>H</u>		
Hammond, Von v. State	1137	February 6, 2024
Hinds, James Arthur v. State	2210 *	February 2, 2024
<u>I</u>		
In re: M.Z.	1412	February 28, 2024
In re: P.B., S.B., C.B., & B.B.	1171 *	February 7, 2024
In re: S.B., P.B., C.B., B.B.	0131	February 7, 2024
In re: Z.A., K.P.	0949	February 23, 2024
In the Matter of Floyd, Thelma	1960 *	February 5, 2024
In the Matter of Seoul Gym & Café	1837 *	February 15, 2024
<u>L</u>		
Lopez, Edwin Antonio v. State	0934	February 6, 2024
<u>M</u>		
McMorrow, Katelyn S. v. King	0404 *	February 9, 2024
Melton, Steven v. State	1866 *	February 7, 2024
Miller, David v. Wallis	0003	February 26, 2024
Miller-Phoenix, Scott v. Bd. Of School Comm'rs	2119 *	February 26, 2024
Murray, Devon v. State	0170	February 1, 2024
<u>N</u>		
Namkeb, LLC v. Client Protection Fund	1623 *	February 26, 2024
Nasser, Imad v. Nabulsi	2071 *	February 13, 2024
Ndubueze, Amaka v. Alaenyi	0546	February 20, 2024
Nguyen, Suong v. State	0565	February 9, 2024
Nta, Inyene v. Middleton	0369 *	February 16, 2024

R

Rahmi, Mitra v. Rahmi	0135	February 9, 2024
Roberts, Tony v. State	1061	February 6, 2024
Ruiz, Edras Isaac v. State	2112 *	February 2, 2024

S

Sefcik, Matthew P. v. State Farm Fire & Casualty	0093	February 5, 2024
Shephard, Michael v. Greene-Shephard	0432	February 5, 2024
Sherwood, Sean v. Old Republic Nat'l Title Ins.	2333 *	February 22, 2024
Smith, Chalmers Efram v. State	1648 *	February 8, 2024
Stanley, Ernest L. v. State	0559 *	February 9, 2024
Steele, Marcus D. v. Stanford	0547	February 14, 2024
Stokes, Kamau v. The Sports & Entertainment Grp.	0200	February 13, 2024
Swann, John v. Hill	1110	February 6, 2024

T

Tate, Brian Arthur v. Moore	1679 *	February 8, 2024
Taylor, Cavontae v. State	1297 *	February 8, 2024
Tucker, Michael O. v. State	2067 *	February 6, 2024

W

Wells, Levi v. Md. Division of Correction	1076	February 9, 2024
Wilkerson, Dedrick Tyrone v. State	0584 *	February 2, 2024
Williams, Nathaniel Leonard v. State	0357 *	February 12, 2024
Woodard, Tayaun v. State	1149 *	February 26, 2024

Y

Yates, Monique v. Cicada Investments	1925 *	February 13, 2024
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September Term 2023

\* September Term 2022

\*\* September Term 2021