

COURT OF APPEALS OF MARYLAND

DeWolfe v. Richmond

434 Md. 403 · Decided January 4, 2012

SUMMARY

The Maryland Court of Appeals held that indigent defendants are entitled under Maryland’s Public Defender Act to appointed counsel at bail hearings conducted by District Court Commissioners. The court declined to reach the plaintiffs’ federal and state constitutional claims because the statutory ground was dispositive. It also held that the circuit court properly issued declaratory relief without resolving funding issues and that denial of injunctive relief did not bar future requests for enforcement relief.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Barbera, J.; Harrell, J.; Adkins, J.
JURISDICTION	Maryland
DECIDED	January 4, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Class action seeking declaratory and injunctive relief concerning indigent defendants' right to appointed counsel at initial bail hearings before Maryland District Court Commissioners. The Circuit Court for Baltimore City granted plaintiffs summary judgment and declaratory relief, denied injunctive relief, and the parties appealed and cross-appealed. The Court of Appeals of Maryland granted certiorari before review by the Court of Special Appeals.
STANDARD OF REVIEW	Summary judgment and the correctness of the declaratory judgment were reviewed as questions of law; the circuit court's decision whether to grant injunctive relief was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Paul DeWolfe, Public Defender, District Court Defendants v. Quinton Richmond and other named plaintiffs, on behalf of the certified class

TOPICS

right to counsel

bail

criminal procedure

statutory interpretation

declaratory judgment

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Maryland's Public Defender Act entitles an indigent defendant to appointed counsel at the bail-hearing portion of an initial appearance before a District Court Commissioner.
2. Whether the circuit court properly declared the statutory right to counsel without addressing the Public Defender's asserted fiscal and implementation concerns.
3. Whether denial of plaintiffs' request for injunctive relief precludes future requests for injunctive relief to enforce the declaratory judgment under *res judicata*.

HOLDINGS

1. The bail-hearing portion of an initial appearance before a District Court Commissioner is a stage of a criminal proceeding under Maryland Code § 16-204(b)(2) of the Public Defender Act. An indigent defendant who qualifies for Public Defender representation is entitled to appointed counsel at that hearing unless the defendant waives the right.
2. Indigent defendants charged with non-serious offenses may also be entitled to Public Defender representation at the initial bail hearing because the proceeding may result in confinement under § 16-204(b)(1)(iv).
3. The circuit court did not err or abuse its discretion by declaring the statutory right to counsel without considering the Public Defender's fiscal concerns or crafting an implementation remedy, and the Court declined to stay implementation of the right.
4. The circuit court's denial of plaintiffs' request for injunctive relief does not bar future requests for injunctive relief to enforce the declared right to counsel.

KEY QUOTATIONS

“For all these reasons, we hold that the bail-hearing portion of the initial appearance before the Commissioner is a “stage” of the criminal proceeding, as that term is employed in § 16-204(b)(2) of the Public Defender Act.” (at 430-431)

“That is to say, no bail determination can be made concerning an indigent person without the presence of counsel at any initial appearance in Maryland, unless such representation has been waived.” (at 439-440)

“The Public Defender’s asserted defense of budgetary impracticability, though evidently pertinent in many contexts, is not a proper consideration for the judiciary.” (at 440)

FACTUAL BACKGROUND

The named plaintiffs were indigent persons arrested for offenses and detained at Baltimore City's Central Booking Jail. Each was brought before a District Court Commissioner for an initial appearance and bail determination, requested appointed counsel, and was denied counsel before bail was set. The Commissioner considered or could consider facts bearing on release, including the charge, criminal history, community ties,

financial resources, and danger to others, and the denial of release could result in continued incarceration until a later bail review.

PROCEDURAL HISTORY

Plaintiffs filed a class action complaint in the Circuit Court for Baltimore City after indigent arrestees were denied counsel during initial bail hearings before Commissioners. Following amendments adding the Public Defender as a defendant, the circuit court granted plaintiffs summary judgment and declared that indigent arrestees had statutory and constitutional rights to appointed counsel, but denied injunctive relief. The Court of Appeals affirmed the judgment, rejected the argument that fiscal concerns required withholding or delaying declaratory relief, and held that denial of the injunction did not bar future applications for injunctive relief concerning future violations.

DISPOSITION

affirmed

CASES CITED

- Richmond v. District Court, 405 Md. 348, 952 A.2d 224 (2008)
- McCarter v. State, 363 Md. 705, 770 A.2d 195 (2001)
- Baltimore Sun Co. v. Mayor of Baltimore, 359 Md. 653, 755 A.2d 1130 (2000)
- Rothgery v. Gillespie County, 554 U.S. 191, 128 S. Ct. 2578, 171 L. Ed. 2d 366 (2008)
- Webster v. State, 299 Md. 581, 474 A.2d 1805 (1984)
- Harris v. State, 344 Md. 497, 687 A.2d 970 (1997)
- State v. Flansburg, 345 Md. 694, 694 A.2d 462 (1997)
- Fenner v. State, 381 Md. 1, 846 A.2d 1020 (2004)
- Guttman v. Wells Fargo Bank, 421 Md. 227, 26 A.3d 856 (2011)
- Dart Drug Corp. v. Hechinger Co., Inc., 272 Md. 15, 320 A.2d 266 (1974)
- Pressman v. D'Alesandro, 211 Md. 50, 125 A.2d 35 (1956)
- Lovell Land, Inc. v. State Highway Administration, 408 Md. 242, 969 A.2d 284 (2009)
- Allstate v. State Farm, 363 Md. 106, 767 A.2d 831 (2001)
- Office of the Public Defender v. State, 413 Md. 411, 993 A.2d 55 (2010)
- Baldwin v. State, 51 Md. App. 538, 444 A.2d 1058 (1982)
- Caswell v. Califano, 583 F.2d 9 (1st Cir. 1978)
- Hurrell-Harring v. New York, 15 N.Y.3d 8, 930 N.E.2d 217 (2010)
- Colandrea v. Wilde Lake Community Association, Inc., 361 Md. 371, 761 A.2d 899 (2000)
- Miller & Smith at Quercus, LLC v. Casey PMN, LLC, 412 Md. 230, 987 A.2d 1 (2010)
- Moore v. Pomory, 329 Md. 428, 620 A.2d 323 (1993)
- State v. Smith, 305 Md. 489, 505 A.2d 511 (1986)
- Rutherford v. Rutherford, 296 Md. 347, 464 A.2d 228 (1983)

- *Gideon v. Wainwright*, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963)
- *Consolidated Construction Services, Inc. v. Simpson*, 372 Md. 434, 813 A.2d 260 (2002)
- *Maryland Agricultural Land Preservation Foundation v. Claggett*, 412 Md. 45, 985 A.2d 565 (2009)
- *S. Easton Neighborhood Association v. Town of Easton*, 387 Md. 468, 876 A.2d 58 (2005)
- *Wilson v. State*, 284 Md. 664, 399 A.2d 256 (1979)

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