

COURT OF APPEALS OF MARYLAND

Marvie Edward Brye v. State of Maryland, 410 Md. 623

980 A.2d 435 (2009) · No. No. 127, September Term, 2008 · Decided September 18, 2009

SUMMARY

The Maryland Court of Appeals held that a defendant's waiver of counsel was invalid because the circuit court gave conflicting and inaccurate advisements concerning the penalties for pending handgun charges under Maryland Rule 4-215(a)(3). The court rejected the argument that reversal was unnecessary because the defendant was convicted only of a charge for which the penalty advisement was correct. It reversed the judgment and remanded for a new trial.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Harrell, Judge; Bell, C.J.; Harrell; Battaglia; Greene; Murphy; John C. Eldridge, Retired, specially assigned; Irma S. Raker, Retired, specially assigned
JURISDICTION	Maryland
DECIDED	September 18, 2009
DOCKET	No. 127, September Term, 2008
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Brye sought review of the Court of Special Appeals' affirmance of his criminal convictions, arguing that the circuit court violated Maryland Rule 4-215(a)(3) by accepting his waiver of counsel after giving conflicting and inaccurate penalty advisements.
STANDARD OF REVIEW	The Court reviewed compliance with Maryland Rule 4-215 de novo as a legal issue and required strict, not substantial, compliance; a violation constitutes reversible error without harmless-error analysis.
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Appeals of Maryland
PARTIES	Marvie Edward Brye v. State of Maryland

TOPICS

- right to counsel
- criminal procedure
- sixth amendment
- appellate procedure

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court violated Maryland Rule 4-215(a)(3) by accepting Brye's waiver of counsel after giving conflicting and inaccurate advisements concerning the allowable penalties for pending handgun charges.
2. Whether erroneous penalty advisements concerning charges on which Brye was not ultimately convicted could be disregarded because he was correctly advised about the second-degree assault charge on which he was convicted.
3. Whether harmless-error analysis applies to a violation of Maryland Rule 4-215(a)(3).

HOLDINGS

1. The circuit court failed strictly to comply with Maryland Rule 4-215(a)(3) when it gave Brye conflicting and inaccurate advisements concerning the penalties for the handgun charges. The advisements did not provide a valid and clear basis for concluding that Brye understood the nature of the charges and the range of allowable penalties before waiving counsel.
2. The court could not disregard the erroneous and conflicting advisements merely because Brye was not convicted of the handgun charges. Rule 4-215 compliance is assessed when the waiver is accepted, based on the relevant events leading to that acceptance, rather than by reference to the charges ultimately resulting in convictions.
3. Harmless-error analysis does not apply to a violation of Maryland Rule 4-215(a)(3); the violation requires reversal.

KEY QUOTATIONS

"While a layperson may be expected to comprehend accurate advisements given cumulatively at separate appearances, we draw the line at expecting a layperson to be able to discern which is the correct advisement from a series of conflicting and often incorrect advisements from different judges." (410 Md. 640-41)

"The analytical focus of a Rule 4-215 argument is at the point in the proceeding when the waiver is accepted (and relevant events leading up to that acceptance), not what happened at the trial." (410 Md. 643-44)

FACTUAL BACKGROUND

Brye joined a confrontation at a Baltimore County residence after his cousin summoned him while holding another man at gunpoint. During the ensuing melee, Brye struck the other man, who escaped and called police. Brye was charged with assault, handgun offenses, false imprisonment, and marijuana possession. Before trial, different judges gave him conflicting and inaccurate advisements about the maximum and mandatory penalties for the handgun charges, after which he waived counsel and proceeded to trial alone.

PROCEDURAL HISTORY

Brye was charged in the District Court and later prosecuted by criminal information in the Circuit Court for Baltimore County. He discharged appointed counsel and represented himself after receiving conflicting advisements concerning the charges and possible penalties. A jury acquitted him of first-degree assault, false imprisonment, and handgun use in a crime of violence, but convicted him of second-degree assault and he received a ten-year sentence. The Court of Special Appeals affirmed, and the Court of Appeals of Maryland granted certiorari and reversed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Court of Special Appeals was reversed, and that court was instructed to reverse the judgment of the Circuit Court for Baltimore County and remand the case to the circuit court for a new trial.

CASES CITED

- Broadwater v. State, 401 Md. 175, 931 A.2d 1098 (2007)
- Gregg v. State, 377 Md. 515, 833 A.2d 1040 (2003)
- Fowlkes v. State, 311 Md. 586, 536 A.2d 1149 (1988)
- Knox v. State, 404 Md. 76, 945 A.2d 638 (2008)
- Moten v. State, 339 Md. 407, 663 A.2d 593 (1995)
- Parren v. State, 309 Md. 260, 523 A.2d 597 (1987)
- Okon v. State, 346 Md. 249, 696 A.2d 441 (1997)
- Powell v. Alabama, 287 U.S. 45 (1932)
- Faretta v. California, 422 U.S. 806 (1975)
- Adams v. United States ex rel. McCann, 317 U.S. 269 (1942)
- Von Moltke v. Gillies, 332 U.S. 708 (1948)
- Brye v. State, 181 Md. App. 105, 955 A.2d 821 (2008)
- Brye v. State, 406 Md. 743, 962 A.2d 370 (2008)