

COURT OF APPEALS OF MARYLAND

State v. Hardy, 415 Md. 612

4 A.3d 908 (2010) · No. No. 148, September Term, 2009 · Decided August 27, 2010

SUMMARY

The Maryland Court of Appeals considered whether the defendant's statement that he was thinking about changing attorneys constituted a request to discharge counsel. The court held that the statement qualified as such a request, but Maryland Rule 4-215(e) did not apply because the request was made after voir dire began, a meaningful trial proceeding. Applying an abuse-of-discretion standard, the court found that the trial court adequately allowed the defendant to explain his concerns and reversed the Court of Special Appeals' judgment granting a new trial.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Harrell, J.; Bell, C.J.; Battaglia, J.; Greene, J.; Murphy, J.; Adkins, J.; Barbera, J.
JURISDICTION	Maryland
DECIDED	August 27, 2010
DOCKET	No. 148, September Term, 2009
DISPOSITION	vacated
PROCEDURAL POSTURE	The State petitioned for a writ of certiorari after the Court of Special Appeals reversed Hardy's convictions and remanded for a new trial based on the trial court's alleged failure to comply with Maryland Rule 4-215(e) when Hardy expressed dissatisfaction with counsel during voir dire.
STANDARD OF REVIEW	Whether Rule 4-215(e) applies is a legal issue. When the Rule applies, strict compliance is required. When a request to discharge counsel is made after meaningful trial proceedings begin and the Rule does not apply, the trial court's ruling is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Maryland Court of Appeals opinion; precedential.
PARTIES	State of Maryland v. Wilbert Hardy

TOPICS

right to counsel

criminal procedure

appellate procedure

standard of review

preservation of error

PRACTICE AREAS

criminal procedure

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right to counsel

QUESTIONS PRESENTED

1. Whether Hardy's statement that he was "thinking about changing the attorney or something" constituted a request to discharge defense counsel.
2. Whether Maryland Rule 4-215(e) applies to a request to discharge counsel made after voir dire begins.
3. Whether the trial court abused its discretion in addressing Hardy's request after voir dire had begun.

HOLDINGS

1. A defendant's statement that he is "thinking about changing the attorney or something" constitutes a request to discharge counsel when a trial judge reasonably should interpret the statement as indicating a desire or inclination to discharge counsel.
2. Maryland Rule 4-215(e) does not apply literally to a request to discharge counsel made after the trial court has begun voir dire because meaningful trial proceedings have commenced.
3. The trial court did not abuse its discretion because it gave Hardy an opportunity to explain his reasons for wanting to discharge counsel, heard his complaints, and addressed the request before Hardy abandoned it.

KEY QUOTATIONS

"There is no "talismanic phrase" that a defendant must utter to make such a request" (415 Md. 622-623)

"To avoid the dangers of confusion to the jury and disruption of trial proceedings that Brown counsels against, and in accordance with the plain meaning of the words of the applicable rule, we hold that "meaningful trial proceedings" have begun after a trial court has begun the voir dire process in a criminal trial." (415 Md. 627-628)

"The court must conduct an inquiry to assess whether the defendant's reason for dismissal of counsel justifies any resulting disruption" (415 Md. 628)

FACTUAL BACKGROUND

During jury voir dire in his Baltimore City criminal trial, Wilbert Hardy stated that he was "thinking about changing the attorney or something" and complained that he had spent insufficient time with appointed counsel and that counsel repeatedly urged him to accept a plea. The trial judge discussed Hardy's concerns, advised him that he could discharge counsel and represent himself, and vouched for counsel's competence. Hardy did not pursue the request further, and the jury convicted him of the specified offenses.

PROCEDURAL HISTORY

Hardy was convicted in the Circuit Court for Baltimore City of carjacking, robbery, first-degree assault, reckless endangerment, and related offenses. The Court of Special Appeals reversed and remanded for a new trial, concluding that the trial court failed to follow Rule 4-215(e). The Court of Appeals granted certiorari, vacated the intermediate appellate judgment, and remanded for consideration of Hardy's three remaining claims of trial error.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The case was remanded to the Court of Special Appeals for further proceedings not inconsistent with the opinion, including consideration of Hardy's three remaining claims of trial error that the intermediate court had not addressed.

CASES CITED

- Williams v. State, 321 Md. 266, 582 A.2d 803 (1990)
- State v. Brown, 342 Md. 404, 676 A.2d 513 (1996)
- Brown v. State, 373 Md. 234, 817 A.2d 241 (2003)
- In re Adoption/Guardianship No. 3598, 347 Md. 295, 701 A.2d 110 (1997)
- North v. North, 102 Md. App. 1, 648 A.2d 1025 (1994)
- Snead v. State, 286 Md. 122, 406 A.2d 98 (1979)
- Leonard v. State, 302 Md. 111, 486 A.2d 163 (1985)
- State v. Campbell, 385 Md. 616, 870 A.2d 217 (2005)
- Fowlkes v. State, 311 Md. 586, 536 A.2d 1149 (1988)
- State v. Wischhusen, 342 Md. 530, 677 A.2d 595 (1996)
- Joseph v. State, 190 Md. App. 275, 988 A.2d 545 (2010)
- Hawkins v. State, 130 Md. App. 679, 747 A.2d 759 (2000)
- Gonzales v. State, 408 Md. 515, 970 A.2d 908 (2009)
- Smith v. State, 394 Md. 184, 905 A.2d 315 (2006)
- State v. Hardy, 411 Md. 740, 985 A.2d 538 (2009)
- Faretta v. California, 422 U.S. 806, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975)
- United States v. Plattner, 330 F.2d 271 (2d Cir. 1964)
- Chapman v. United States, 553 F.2d 886 (5th Cir. 1977)
- United States v. Walker, 142 F.3d 103 (2d Cir. 1998)
- United States v. Lawrence, 605 F.2d 1321 (4th Cir. 1979)
- Commonwealth v. El, 602 Pa. 126, 977 A.2d 1158 (2009)
- Edwards v. Commonwealth, 49 Va. App. 727, 644 S.E.2d 396 (2007)

- United States v. Bishop, 291 F.3d 1100 (9th Cir. 2002)
- Applegate v. Commonwealth, 299 S.W.3d 266 (Ky. 2009)
- State v. Lamar, 205 Ariz. 431, 72 P.3d 831 (2003)
- Sutton v. State, 139 Md. App. 412, 776 A.2d 47 (2001)
- Illinois v. Somerville, 410 U.S. 458, 93 S. Ct. 1066, 35 L. Ed. 2d 425 (1973)
- United States v. Jorn, 400 U.S. 470, 91 S. Ct. 547, 27 L. Ed. 2d 543 (1971)
- Hubbard v. State, 395 Md. 73, 909 A.2d 270 (2006)
- State v. Woodson, 338 Md. 322, 658 A.2d 272 (1995)
- Blondes v. State, 273 Md. 435, 330 A.2d 169 (1975)
- Johnson v. Zerbst, 304 U.S. 458, 58 S. Ct. 1019, 82 L. Ed. 1461 (1938)
- People v. Cummings, 4 Cal. 4th 1233, 850 P.2d 1 (1993)
- People v. Windham, 19 Cal. 3d 121, 560 P.2d 1187 (1977)
- Sapienza v. Vincent, 534 F.2d 1007 (2d Cir. 1976)

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