

IN THE
APPELLATE COURT OF MARYLAND

SEPTEMBER TERM, 2023

NO. 1203

STATE OF MARYLAND,

Appellant

v.

TYLER ALLEN MAILLOUX,

Appellee

APPEAL FROM THE CIRCUIT COURT FOR WORCESTER COUNTY
(THE HONORABLE BRETT W. WILSON, MOTIONS JUDGE)

APPELLEE'S BRIEF AND APPENDIX

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**APPEAL FROM THE CIRCUIT COURT FOR WORCESTER COUNTY
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APPELLEE'S BRIEF

STATEMENT OF THE CASE

Appellee accepts the Statement of the Case presented in the Brief of Appellant at pages 1-6.

QUESTION PRESENTED

Did the court below correctly dismiss the criminal information because it had been filed in the wrong court?

STATEMENT OF FACTS

Appellee accepts the Statement of Facts included in the Brief of Appellant, with additional facts included in the Argument section below.

ARGUMENT

THE COURT BELOW CORRECTLY DISMISSED THE CRIMINAL INFORMATION BECAUSE IT HAD BEEN FILED IN THE WRONG COURT.

A. Introduction

The State argues that the court below “utterly misconstrued the relevant statutes.” (Brief of Appellant at 8). According to the State, both the District Court and the circuit court had concurrent jurisdiction over all of the charges filed in this case. *Id.* at 13, 15. The State’s Attorney exercised discretion in deciding to file the criminal information in the circuit court, thereby divesting the District Court of jurisdiction. *Id.* at 20, 23. The State’s perspective is not the only way to interpret the relevant statutes determining the jurisdiction of the trial courts in Maryland.

Mr. Mailloux’s view is that the court below properly determined that the charges filed fell within the “exclusive original jurisdiction” of the District Court as defined in the Courts and Judicial Proceedings Article, Section 4-301. (App. 003). As explained in greater detail below, there are exceptions to this statute; however, none of them had been triggered at the time of the court’s ruling. Given Maryland’s two-tiered trial court system, there could have been concurrent jurisdiction for trial of the misdemeanors and felonies charged, but not for charging them. Examination of the plain language of the statutes, the legislative

history of the provisions, the implications of alternative interpretations of the statutes, and relevant case law should lead this Court to conclude that the trial court ruled correctly.

B. Plain language of the statutes

The interpretation of a statute or multiple statutes is a question of law reviewed *de novo* on appeal. *Brown v. State*, 454 Md. 546, 550 (2017). *See also Cain v. State*, 386 Md. 320, 327 (2005) (same). The Court’s starting point is the plain language of the statute itself. *Thanos v. State*, 332 Md. 511, 522 (1993). “The search for legislative intent begins, and ordinarily ends, with the words of the statute under review.” *Schuman, Kane, Felts & Everngam, Ctd. v. Aluisi*, 341 Md. 115, 119 (1995). The words of the statute are given their ordinary and natural meaning unless there is some indication otherwise. *Derry v. State*, 358 Md. 325, 335 (2000).

The criminal information in this case should have been filed in the District Court of Maryland. Section 4-301(a) of the Courts and Judicial Proceedings Article states: “Except as provided in Secs. 3-803 [Juvenile Causes – CINA] and 3-8A-03 [Juvenile Causes – delinquent children or children in need of supervision] of this article and 4-302 of this subtitle, the District Court has exclusive original jurisdiction in a criminal case in which a person at least 16 years old or a corporation is charged with a violation of the vehicle laws[.]” Md. Code Ann., Cts. & Jud. Proc. Art., Sec. 4-301(a) (2019). Section (b)(17) of the same statute further specifies: “Except as provided in Sec. 4-302 of this subtitle, the District

Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with . . . violation of Sec. 20-102 of the Transportation Article, whether a felony or misdemeanor.” *Id.* In this case, all 17 of the charges constituted violations of the motor vehicle laws. (Apx. 1).¹ Counts 1-8 of the criminal information charged separate violations of Section 20-102 of the Transportation Article, *i.e.*, failure to stop, remain at the scene, or return to the scene of an accident involving death or serious bodily injury. (Apx. 1).

The State’s argument focuses on Section 4-302(d)(1) of the Courts and Judicial Proceedings Article, which states: “Except as provided in paragraph (20 of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case (i) in which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or (ii) that is a felony as provided in Sec. 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (25) of this subtitle.” Md. Code Ann., Cts. & Jud. Proc. Art., Sec. 4-302(d)(1) (2009). The State would have the exception swallow the rule.

This Court is tasked with determining which of the two statutes takes precedence at the charging stage. Mr. Mailloux urges this Court to find that the first and more specific statute, Section 4-301, defining the District Court’s “exclusive original jurisdiction” over alleged violations of the vehicle laws

¹ Appellee has included in the Appendix to this brief a summary of the charged offenses for the convenience of the Court.

generally and over violations of the Transportation Article Section 20-102 specifically controls. The offenses charged in this case should have been filed in the District Court.

The term “exclusive” is defined as: “Limited to a particular person, group, entity or thing.” Black’s Law Dictionary (11th ed. 2019) (available on Westlaw). “Original jurisdiction” means: “A court’s power to hear and decide a matter before any other court can review the matter.” *Id.* Given the plain language of Section 4-301, the District Court was the place where the charges should have originated. This does not mean that the District Court is the only place where the charges could have been *tried*.

Under Maryland’s two-tiered trial court system, the circuit court could have properly obtained jurisdiction over the charges in this case if the criminal information had first been filed in the District Court. Maryland Rule 4-201(b) provides: “In the District Court, an offense may be tried (1) on an information, (2) on a statement of charges filed pursuant to section (b) Rule 4-211, or (3) on a citation in the case of a petty offense or when authorized by statute.” Md. Rule 4-201. An offense may be tried in the circuit court on a criminal information under section (c) of this Rule if a defendant requests or consents in writing to being charged by information or if a defendant prays a jury trial from the District Court. Neither of these two things had happened in this case before the August 18, 2023, hearing. The trial judge below properly concluded that the charges should have been filed in the District Court. (App. 003).

C. Legislative history

Where there are two or more reasonable alternative interpretations of a statute, the appellate court will examine the history, prior case law, and statutory purpose. *DeVillev v. State*, 383 Md. 217, 233 (2004). “The clear and overarching standard governing statutory construction is for the Court to ‘ascertain and effectuate the intention of the legislature.’ ” *Davis v. State*, 474 Md. 439, 451-52 (2021) (citing *75-80 Properties v. Rale, Inc.*, 470 Md. 598, 623 (2020)).

To determine whether the charges in this case should have originated in the District Court or the circuit court, it is helpful to examine the overall legislative scheme. The District Court of Maryland came into existence after a public referendum during the general election on November 3, 1970, and the court commenced business on July 5, 1971. See

<https://www.courts.state.md.us/district/selfhelp/dcgeneral> (last visited 11/16/23).

In its first year of operation, the District Court heard 778,718 cases, of which 438,793 (56%) were violations of the motor vehicle laws. *Id.* See also *Greenbelt Consumer Services, Inc. v. Acme Markets, Inc.*, 272 Md. 222, 223-24 (1974) (tracing the history of the District Court of Maryland and construing the scope of the District Court’s jurisdiction over landlord and tenant matters).

The legislation establishing the District Court of Maryland committed to its original jurisdiction violations of the motor vehicle laws for those over 16 years of age, along with a list of five categories of offenses for persons over 18 years of age. Acts 1973, 1st Sp. Session, c.2, Sec. 1-601. The original five categories

were: (1) common law or statutory misdemeanors, (2) theft offenses under \$500.00, (3) violations of ordinances that were not felonies, (4) violations of rules or regulations that were not felonies, and (5) any other act or omission made punishable by fine or imprisonment that was not a felony. *Id.* The District Court of Maryland was created as a court of limited jurisdiction.

Over time, the list of specific offenses committed to the exclusive original jurisdiction of the District Court was expanded. In 2002, paragraph (17), naming “Violation of Sec. 20-102 of the Transportation Article, whether a felony or misdemeanor,” was added to the list. Acts 2002, Chs. 461 and 462. As the State correctly notes (Brief of Appellant at 14-15), 2002 was the year that certain portions of the Transportation Article Section 20-102 were made felonies. Acts 2002, Ch. 691, SB 345 and HB 256. The 2002 legislation committed all violations of Sec. 20-102 to the exclusive original jurisdiction of the District Court. The legislative scheme establishing the District Court of Maryland defined and limited its jurisdiction, leaving the remaining civil and criminal cases to the circuit courts.

D. Consideration of alternative interpretations of the statutes

Under the State’s interpretation, the discretionary decision of the prosecutor is the factor determining where certain offenses will be tried, as between the District Court and the circuit court. (Brief of Appellant at 17-18). The State argues that, in this case, once the State’s Attorney opted to bring the charges in counts 1-8 in the circuit court, then “exclusive original jurisdiction as to all 17 charges vested in the circuit court, including those that otherwise would have been

within the exclusive original jurisdiction of the District Court.” (Brief of Appellant at 18).

There are two problems with this analysis. First, it renders meaningless the words in Section 4-301 (a) and (b), dedicating to the exclusive original jurisdiction of the District Court violations of the vehicle laws and, in paragraph (17), violations of Sec. 20-102 of the Transportation Article. Md. Code Ann., Cts. & Jud. Proc. Art., Sec. 4-301 (2019). It is a fundamental principle of statutory construction that no word, clause, sentence, or phrase should be rendered surplusage, superfluous, meaningless, or nugatory. *Atkinson v. State*, 331 Md. 199, 209 (1993). Adopting the State’s interpretation would violate this canon of construction.

Second, as defense counsel for Mr. Mailloux pointed out at the hearing held on August 18, 2023, giving precedence to the State’s decision to file charges in the circuit court deprived Mr. Mailloux of his right to choose where he would be tried and how, *i.e.*, by a judge in the District Court, or by a judge or jury in the circuit court. (T. 8/18/23 at 12, 14). Curtailing a criminal defendant’s choice in this way contradicted the statutory right to have a traffic offense and one specifically listed by name in Sec. 4-301(b)(17) tried in the District Court. It also interfered with Mr. Mailloux’s right to a fair trial guaranteed by the Due Process Clause of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. *See Sapero v. Mayor and City Council of Baltimore*, 398 Md. 317, 343-44 (2007) (interpreting Art. 24 “to be synonymous

with the term ‘due process of law’ as used in the Fifth and Fourteenth Amendments to the federal Constitution.”).

Regarding the charging determination, Maryland Rule 4-201(b) states that, in the District Court, “an offense may be tried (1) on an information, (2) on a statement of charges filed pursuant to section (b) Rule 4-211, or (3) on a citation in the case of a petty offense or when authorized by statute.” Md. Rule 4-201(b). The criminal information in this case could have been properly filed in the District Court; however, it was not.

Under subsection (c) of Maryland Rule 4-201, an offense may be tried on a criminal information in the circuit court if: (1) the defendant requests or consents in writing to be charged by criminal information, (2) a preliminary hearing has been held and probable cause has been found, (3) the defendant has waived a preliminary hearing, or (4) the defendant has prayed a jury trial or filed an appeal *de novo* following proceedings in the District Court. Md. Rule 4-201(c)(2). In Mr. Mailloux’s case, none of these conditions had been met. If and when one of the conditions is met in the future, only then will the circuit court have concurrent jurisdiction to try the offenses.

It is reasonable to view Sec. 4-302(d)(1), governing concurrent jurisdiction, as doing so for trial purposes for the larger universe of criminal cases not specified in Sec. 4-301 and meeting the penalty threshold of confinement for three years or more or a fine of \$2,500 or more. Md. Code Ann., Cts. & Jud. Proc. Art., Sec. 4-

301(d)(1)(i) (2009). In *Brown v. State*, 454 Md. at 553 n.3, the Supreme Court of Maryland noted that:

the [D]istrict [C]ourt has original jurisdiction in cases involving misdemeanors and certain felonies. Md. Code, Cts. & Jud. Proc. Sec. 4-301(b). The circuit court has ‘full common-law and equity powers and jurisdiction in all civil and criminal cases within its county . . .’ Md. Code, Cts. & Jud. Proc. Sec. 1-501. Thus the [D]istrict and circuit courts have concurrent jurisdiction over a large number of offenses.

Interpreting Sec. 4-302(d)(1)(ii) to allow filing charges for traffic violations and for violations of the Transportation Article 20-102 in the circuit court would render Section 4-301 meaningless. This is because a violation of Sec. 20-102 is both a “violation of the vehicle laws” and one of the 25 categories of offenses listed in Sec. 4-301(b). Where more than one statute may apply: “It is both logical and a well known canon of statutory construction that one looks to the specific rather than the general.” *Thomas v. Ramsburg*, 99 Md. App. 395, 402 (1994).

E. Case law

The precise question presented in this case has not been addressed by this Court. *Fielding v. State*, 238 Md. App. 262 (2018), is the decision most pertinent to the present appeal. In that case, the prosecutor filed two criminal informations relating to two separate incidents against the defendant in the circuit court alleging driving under the influence of alcohol and other traffic offenses. *Id.* at 266. The State subsequently filed notices of intent to seek enhanced penalties in those cases

based on the defendant's prior convictions. *Id.* at 267. A motion to dismiss made by defense counsel was denied. *Id.* at 269.

This Court noted that: "generally, the District Court of Maryland, not a circuit court, has 'exclusive original jurisdiction in a criminal case in which a person at least 16 years of age . . . is charged with a violation of the vehicle laws[.]'" (citing Sec. 4-301(a)). *Fielding v. State*, 238 Md. at 268. This Court also noted that the State's theory in filing the charges in the circuit court relied on the exception to exclusivity found in Sec. 4-302(d)(1)(i), providing for concurrent jurisdiction over cases meeting the penalty threshold. *Id.* at 270.

In its analysis, this Court reasoned that the District Court would have exclusive original jurisdiction over the offenses unless an exception applies. *Fielding v. State*, 238 Md. at 272. This Court found that the filing of the criminal informations in the circuit court "could not have divested the District Court of its jurisdiction." *Id.* at 274. Filing the notices of enhanced penalties after the criminal informations were filed also could not divest the District Court of jurisdiction. *Id.* at 275-76. Filing the criminal informations in the circuit court that lacked jurisdiction was a nullity. *Id.* at 276, 280. None of the triggering events which could have divested the District Court of jurisdiction had taken place: (1) jury trial prayer, (2) charge with another offense not within the District Court's jurisdiction, or (3) charge with another offense within the concurrent jurisdiction of the District Court and circuit court. *Id.* at 278. The convictions were vacated

and the case was remanded to the circuit court with instructions to grant the motion to dismiss. *Id.* at 280.

In Mr. Mailloux's case, the court below granted the motion to dismiss, so the procedural posture is different from *Fielding v. State*. However, the analysis should be similar. The District Court is "a unified court of limited statutory jurisdiction." *Fielding v. State*, 238 Md. App. at 279 (citing *Birthead v. State*, 317 Md. 691, 698 (1989)). *See also Kirsner v. State*, 24 Md. App. 579, 582, *cert. denied*, 275 Md. 752 (1975) (in 1975, original jurisdiction to try misdemeanor traffic violations was "exclusive in the District Court."). At the present time, Section 4-301(a) commits to the exclusive original jurisdiction of the District Court "violation of the vehicle laws," and Section 4-301(b)(17) more specifically designates "[v]iolation of Sec. 20-102 of the Transportation Article, whether a felony or misdemeanor," to the exclusive original jurisdiction of the District Court. Following the reasoning in *Fielding v. State*, 238 Md. App. at 274, if the act of filing a criminal information in the circuit court in that case could not divest the District Court of jurisdiction, then the same act in this case could not *confer* jurisdiction on the circuit court. Here, the trial judge properly concluded that the circuit court did not have jurisdiction to try the offenses charged in this case. (App. 003).²

² In *Fielding v. State*, 238 Md. App. at 28 n.23, this Court noted that the State could have corrected the charging error by filing the two criminal informations together with the notices of intent to seek enhanced penalties.

A review of other decisions makes clear that the present case is not one in which the District Court was divested of jurisdiction by application of Section 4-302. In *Privette v. State*, 320 Md. 738, 741 (1990), the Supreme Court of Maryland examined a situation in which the defendant was charged by criminal indictment filed in the circuit court with manslaughter by motor vehicle, homicide by motor vehicle, homicide by motor vehicle while intoxicated, driving under the influence of alcohol, reckless driving, negligent driving, and failure to yield the right of way. A separate charge of driving without insurance was added five months later by criminal information filed in the circuit court. *Id.* at 741, 744. Addressing the question: “whether a circuit court has original jurisdiction to try a defendant on a charge of driving without insurance,” *id.* at 740, the Court concluded that it did in that case because the charge arose out of the “same circumstances” as the earlier charged offenses. *Id.* at 745-46. The significance of this decision to Mr. Mailloux’s case is that the lead charges of manslaughter by motor vehicle, homicide by motor vehicle, and driving while intoxicated in *Privette v. State* were not among the listed offenses in Section 4-301(b) committed to the exclusive original jurisdiction of the District Court. Therefore, they could be properly charged in the circuit court.

In *Harris v. State*, 94 Md. App. 266, 272 (1992), *cert. denied*, 330 Md. 319 (1993), a police officer charged the defendant after a fatal collision with driving

Similarly, the court below noted that the State could have corrected the charging error in this case by filing the criminal information in the District Court. (App. 4).

while intoxicated, driving under the influence of alcohol, failure to control speed, and negligent driving. The defendant paid the pre-set fine for the last two payable offenses. *Id.* The State later filed a criminal information with seven counts, including manslaughter by motor vehicle. *Id.* The State eventually dismissed five of the seven counts in the criminal information. *Id.* at 272-73. The Supreme Court considered the issue of whether a circuit court may acquire jurisdiction pursuant to Section 4-302(f) of the Courts and Judicial Proceedings Article “when the charge that serves as the basis for the assertion of jurisdiction is barred from prosecution by the prohibition against double jeopardy[?]” *Id.* at 274. The Court concluded that the circuit court retained jurisdiction over the charged offenses even after the State entered a *nolle prosequi* to the charges of manslaughter by motor vehicle and homicide by motor vehicle while intoxicated. *Id.* at 279-80.

Here again, in *Harris v. State*, the lead charge of manslaughter by motor vehicle was not one of the offenses listed in Section 4-301(b), and so, it fell into the larger general category of criminal cases meeting the penalty threshold in section 4-302(d)(1)(i) of the Courts and Judicial Proceedings Article, and so, it could properly be charged in the circuit court. In Mr. Mailloux’s case, there were no charges filed against him falling into this general category.

The other cases upon which the State relies are distinguishable from the present case. In *McCracken v. State*, 150 Md. App. 330 (2003), this Court did not rule on a jurisdictional issue. In the context of a Rule 4-215 claim, this Court noted that the defendant’s case “was only transferred to the circuit court based on

his demand for a jury trial.” *Id.* at 354. In *McCracken v. State*, the defendant was properly charged in the District Court, he prayed a jury trial, and so, his case could properly proceed in circuit court for purposes of trial.

Thompson v. State, 278 Md. 41 (1976), is another example of a case in which violations of the motor vehicle laws were properly charged in the District Court and the circuit court “properly acquired jurisdiction over all three of the offenses with which Thompson was charged” after he demanded a jury trial. *Id.* at 46. The question in that case was what should happen after the State entered a *nolle prosequi* to the lead charge of driving while impaired, the one which carried the potential for imprisonment in excess of three months? *Id.* The Supreme Court ruled that, following the jury trial demand, jurisdiction became vested in the circuit court. *Id.* at 47. The prosecutor’s entry of the *nolle prosequi* did not affect the court’s jurisdiction. *Id.* at 48. Also, the Court ruled that, even after the dismissal of the most serious offense, the defendant was still entitled to a jury trial on the lesser offenses. *Id.* at 54. The decision in *Thomson v. State* supports Mr. Mailloux’s contention that the State’s charging decision in this case deprived him of his choice of whether to be tried by a judge in the District Court, or by a judge or jury in the circuit court.

Wodoslawsky v. State, 36 Md. App. 654, 659, *cert. denied*, 281 Md. 746 (1977), *cert. denied*, 434 U.S. 1068 (1978), is distinguishable from the present case because there, the State filed a charging document in the District Court and an indictment in the circuit court. The defendant elected to proceed with a jury

trial and, after the State finished presenting evidence, moved to dismiss. Under those anomalous circumstances, in which motor vehicle offenses had been charged in the District Court and the defendant elected a jury trial (which could only be had in the circuit court), this Court rejected the defendant's argument that the circuit court lacked jurisdiction to try the case. *Id.* at 659.

F. Conclusion

The prosecutor should have filed the criminal information in this case in the District Court. The trial judge properly recognized this and correctly granted defense counsel's motion to dismiss based on lack of jurisdiction. (App. 003).

CONCLUSION

For the foregoing reasons, Mr. Mailloux respectfully requests that this Court affirm the judgment of the court below.

Respectfully submitted,

Natasha M. Dartigue
Public Defender

Celia Anderson Davis
Assistant Public Defender

Counsel for Appellee

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REQUEST FOR ORAL ARGUMENT

I request oral argument on behalf of the Appellee.

Celia Anderson Davis
Celia Anderson Davis

**CERTIFICATION OF WORD COUNT
AND COMPLIANCE WITH RULE 8-112**

1. This brief contains 3,913 words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the font, spacing, margin and type size requirements stated in Rule 8-112.

Celia Anderson Davis
Celia Anderson Davis

PERTINENT AUTHORITY

United States Constitution, Amend. XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * *

Maryland Declaration of Rights, Art. 24

That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land.

Annotated Code of Maryland Courts and Judicial Proceedings Article Sec. 4-301. Jurisdiction of court

Violations of vehicle laws or regulations or State Boat Act

(a) Except as provided in §§ 3-803 and 3-8A-03 of this article and 4-302 of this subtitle, the District Court has exclusive original jurisdiction in a criminal case in which a person at least 16 years old or a corporation is charged with violation of the vehicle laws, or the State Boat Act, or regulations adopted pursuant to the vehicle laws or State Boat Act.

Violations within jurisdiction of court

(b) Except as provided in § 4-302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(1) Commission of a common-law or statutory misdemeanor regardless of the amount of money or value of the property involved;

(2) Violation of § 7-104, § 7-105, § 7-107, or § 7-108 of the Criminal Law Article, whether a felony or a misdemeanor;

(3) Violation of a county, municipal, or other ordinance, if the violation is not a felony;

(4) Criminal violation of a State, county, or municipal rule or regulation, if the violation is not a felony;

(5) Doing or omitting to do any act made punishable by a fine, imprisonment, or other penalty as provided by the particular law, ordinance, rule, or regulation defining the violation if the violation is not a felony;

(6) Violation of § 8-103 of the Criminal Law Article, whether a felony or a misdemeanor;

(7) Violation of § 8-203, § 8-204, § 8-205, § 8-206, § 8-207, § 8-208, or § 8-209 of the Criminal Law Article, whether a felony or misdemeanor;

(8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law Article, whether a felony or misdemeanor;

(9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a felony or a misdemeanor;

(10) Violation of § 9-1106 of the Labor and Employment Article;

(11) Violation of § 8-301 of the Criminal Law Article, whether a felony or misdemeanor;

(12) Violation of § 2-209 of the Criminal Law Article;

(13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;

(14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;

(15) Violation of § 10-604, § 10-605, § 10-606, § 10-607, § 10-607.1, or § 10-608 of the Criminal Law Article, whether a felony or misdemeanor;

(16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article, whether a felony or misdemeanor;

(17) Violation of § 20-102 of the Transportation Article, whether a felony or misdemeanor;

(18) Violation of § 8-801 of the Criminal Law Article;

(19) Violation of § 8-604 of the Criminal Law Article;

(20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;

(21) Violation of § 16-801, § 16-802, § 16-803, or § 16-804 of the Election Law Article;

(22) Violation of § 3-203(c) of the Criminal Law Article;

(23) Violation of § 11-208 of the Criminal Law Article as a second or subsequent offense;

(24) Violation of § 11-721 of the Criminal Procedure Article as a second or subsequent offense; or

(25) Violation of § 3-1102(b) or § 3-1103 of the Criminal Law Article.

(2019)

**Annotated Code of Maryland
Courts and Judicial Proceedings Article
Sec. 4-302 Exceptions to jurisdiction**

Criminal cases charging commission of a felony

(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (25) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

Exclusive original jurisdiction of juvenile court

(b) Except as provided in § 4-303 of this subtitle, the District Court does not have criminal jurisdiction to try a case in which a juvenile court has exclusive original jurisdiction.

Compulsory public school attendance laws

(c) The jurisdiction of the District Court is concurrent with that of the juvenile court in any criminal case arising under the compulsory public school attendance laws of this State.

Concurrent jurisdiction with circuit court

(d)(1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and

(25) of this subtitle.

(2)(i) Except as provided in subparagraph (ii) of this paragraph, a circuit court does not have jurisdiction to try a case charging a violation of § 5-601 or § 5-620 of the Criminal Law Article.

(ii) A circuit court does have jurisdiction to try a case charging a violation of § 5-601 or § 5-620 of the Criminal Law Article if the defendant:

1. Properly demands a jury trial;
2. Appeals as provided by law from a final judgment entered in the District Court; or
3. Is charged with another offense arising out of the same circumstances that is within a circuit court's jurisdiction.

Demands for jury trial

(e)(1) The District Court is deprived of jurisdiction if a defendant is entitled to and demands a jury trial at any time prior to trial in the District Court.

(2)(i) Except as provided in subparagraph (ii) of this paragraph, unless the penalty for the offense with which the defendant is charged permits imprisonment for a period in excess of 90 days, a defendant is not entitled to a jury trial in a criminal case.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, the presiding judge of the District Court may deny a defendant a jury trial if:

1. The prosecutor recommends in open court that the judge not impose a penalty of imprisonment for a period in excess of 90 days, regardless of the permissible statutory or common law maximum;
2. The judge agrees not to impose a penalty of imprisonment for a period in excess of 90 days; and

3. The judge agrees not to increase the defendant's bond if an appeal is noted.

(iii) The State may not demand a jury trial.

Offenses outside District Court's jurisdiction

(f)(1) Except as provided in Title 4, Subtitle 5 of the Family Law Article, the District Court does not have jurisdiction of an offense otherwise within the District Court's jurisdiction if a person is charged:

(i) With another offense arising out of the same circumstances but not within the District Court's jurisdiction; or

(ii) In the circuit court with an offense arising out of the same circumstances and within the concurrent jurisdictions of the District Court and the

circuit court described under subsection (d) of this section.

(2) In the cases described under paragraph (1) of this subsection, the circuit court for the county has exclusive original jurisdiction over all the offenses.

(2009)

Annotated code of Maryland

Transportation Article

Section 20-102. Duty of driver to remain at scene of accident resulting in bodily injury or death

Duty of driver to stop vehicle close to scene of accident resulting in bodily injury

(a)(1) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20-104 of this title.

Duty of driver to stop vehicle close to scene of accident resulting in death

(b)(1) The driver of each vehicle involved in an accident that results in the death of another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in the death of another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20-104 of this title.

Fines and penalties

(c)(1) In this subsection, “serious bodily injury” means an injury that:

- (i) Creates a substantial risk of death;
- (ii) Causes serious permanent or serious protracted disfigurement;
- (iii) Causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or
- (iv) Causes serious permanent or serious protracted impairment of the function of any body part or organ.

(2)(i) Except as provided in paragraph (3) of this subsection, a person convicted of a violation of subsection (a) of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding \$3,000 or both.

(ii) Except as provided in paragraph (3) of this subsection, a person convicted of a violation of subsection (b) of this section is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(3)(i) A person who violates this section and who knew or reasonably should have known that the accident might result in serious bodily injury to another person and serious bodily injury actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates this section and who knew or reasonably should have known that the accident might result in the death of another person and death actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2017)

Maryland Rule 4-201. Charging document – use

(a) Requirement. An offense shall be tried only on a charging document.

(b) In the District Court. In the District Court, an offense may be tried (1) on an information, (2) on a statement of charges filed pursuant to section (b) Rule 4-211, or (3) on a citation in the case of a petty offense or when authorized by statute.

(c) In the Circuit Court. In the circuit court, an offense may be tried

(1) on an indictment, or

(2) on an information if the offense is (A) a misdemeanor, or (B) a felony within the jurisdiction of the District Court, or (C) any other felony and lesser included offense if the defendant requests or consents in writing to be charged by information, or if the defendant has been charged with the felony and a preliminary hearing pursuant to Rule 4-221 has resulted in a finding of probable cause, or if the defendant has been charged with the felony as to which a preliminary hearing has been waived, or

(3) on a charging document filed in the District Court for an offense within its jurisdiction if the defendant is entitled to and demands a jury trial or appeals from the judgment of the District Court.

(d) Sealing a Charging Document. When a court directs that a charging document be kept secret until the defendant has been arrested or served, the clerk

shall seal the charging document until arrest or service. While the charging document is sealed no person shall disclose the fact that it has been filed or its contents, except as necessary for the issuance and execution of a summons or warrant.

(e) Docket in Place of Citation. A court may conduct a trial of an offense charged by citation without having a copy of the citation before it if the court has a docket containing all pertinent details extracted from the citation. The docket shall be prima facie proof of the contents of the citation. If any material entry on the docket is contested by any party, the court shall obtain a copy of the citation before proceeding with the trial.

(1998)

APPENDIX

CRIMINAL INFORMATION CHARGES

COUNTS:

- | | | |
|--|---------------------|----------------------------|
| 1. TA 20-102 (a)1 – fail to stop – bodily injury – | <u>misd.</u> | 1 yr./\$3,000.00 |
| 2. TA 20-102 (c)(3)(i) – fail to stop- knew or reasonably should have known that caused serious bodily injury | <u>fel.</u> | 5 yr./\$5,000.00 |
| <hr/> | | |
| 3. TA 20-102 (a)2 – fail to <u>return/remain</u> bodily injury – | <u>misd.</u> | 1 yr./\$3,000.00 |
| 4. TA 20-102 (c)3i – fail to return/remain –knew or reasonably should have known that caused serious bodily injury – | <u>fel.</u> | 5 yrs./\$3,000.00 |
| <hr/> | | |
| 5. TA 20-102 (b)1 – fail to stop – <u>death</u> – | <u>fel.</u> | 5 yrs./\$5,000.00 |
| 6. TA 20-102 (c)3ii – fail to stop – knew or should have known caused death | <u>fel.</u> | 10 yrs./\$10,000.00 |
| <hr/> | | |
| 7. TA 20-102 (b)2 – Fail to <u>return/remain</u> – death – | <u>fel.</u> | 5 yrs./\$5,000.00 |
| 8. TA 20-102 (c)3iii – fail to return/remain – knew or should have known caused death | <u>fel.</u> | 10 yrs./\$10,000.00 |
| <hr/> | | |
| 9. TA 20-104 (a) – fail to render assistance – injury | | 60 days/\$500.00 |
| 10. TA 20-104 (a) – fail to render assistance – death | | 60 days/\$500.00 |
| 11. TA 20-104 (d) – fail to report accident – injury | | 60 days/\$500.00 |
| 12. TA 20-104 (d) – fail to report accident – death | | 60 days/\$500.00 |
| <hr/> | | |
| 13. TA 20-105.1 fail to provide insurance | | payable |
| 14. TA 20-107(a) fail to report accident – injury | | payable |
| 15. TA 20-107(a) fail to report accident – death | | payable |
| 16. TA 20-107(b) failed to furnish evidence of insurance – injury | | payable |
| 17. TA 20-107(b) failed to furnish evidence of insurance – death | | payable |

STATE OF MARYLAND,

Appellant

v.

TYLER ALLEN MAILLOUX,

Appellee

IN THE

APPELLATE COURT

OF MARYLAND

No. 1203, September Term, 2023

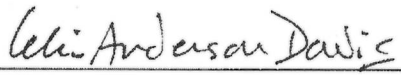
ACM-REG-1203-2023

Cir. Ct. No. C-23-CR-23-000087

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 2023, a copy of the Appellee's Brief and Appendix in the above-captioned case was filed electronically using the MDEC system, with a copy delivered by email to:

Office of the Attorney General
Criminal Appeals Division
200 Saint Paul Place, 17th Floor
Baltimore, Maryland 21202
cadservice@oag.state.md.us



Celia Anderson Davis