Circuit Court for Kent County
Case No.: C-14-CR-20-000128

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1166

September Term, 2022

CHRISTIAN PALMER

v.

STATE OF MARYLAND

Reed,
Beachley,
Alpert, Paul E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Beachley, J.

Filed: November 21, 2023

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

A jury in the Circuit Court for Kent County convicted Christian Palmer of five counts of second-degree assault. Palmer appeals, asking two questions, which we rephrase:

> 1. Did the circuit court satisfy Md. Rule 4-215(e) when it allowed Palmer to discharge his attorney at a pretrial hearing?
>
> 2. Did the circuit court comply with Md. Rule 4-215(e) when Palmer requested substitute counsel before the commencement of trial?

For the following reasons, we hold that the trial court complied with Rule 4-215(e) at both junctures and affirm the judgments of the circuit court.

BACKGROUND

On November 19, 2020, Palmer was charged by criminal information with seven counts of second-degree assault against his then girlfriend, Amy Loder, all occurring between April 2019 and June 2020, and with three counts of malicious destruction of property and one count of destruction of evidence. The underlying facts are not relevant to the issues on appeal, which turn upon the application of Rule 4-215(e).

A. Initial Appearance and Competency Evaluation

At his initial appearance on December 2, 2020, Palmer appeared with Ryan Ewing, an assistant public defender. Palmer received a copy of the charging documents, was advised of the charges against him and the allowable penalties and was advised of his right to counsel. He was held without bond pending trial. Mr. Ewing formally entered his appearance on behalf of Palmer on December 13, 2020.

In May 2021, the court granted a defense motion for a competency evaluation by the Maryland Department of Health ("MDH") and, in August 2021, determined that Palmer

was not competent to stand trial. He was committed to the custody of MDH for treatment. Soon after, a different assistant public defendant, Kenneth Thalheimer, was substituted in place of Mr. Ewing.

B. Palmer Hires Private Counsel

On August 31, 2021, Charles Waechter, a private attorney, entered his appearance on behalf of Palmer. Thereafter, the MDH reevaluated Palmer's competency. At a hearing on November 23, 2021, Palmer was represented by an associate from Mr. Waechter's office, Singleton Mathews, and was determined to be competent. The court scheduled a status conference for February 4, 2022 and trial to commence on February 22, 2022.

In December 2021, Palmer moved for reconsideration of bond. His motion was denied at the end of the December.

Also in December and January 2022, Palmer filed multiple *pro se* requests for bail review and to change venue. The circuit court set the motions in to be heard at the status hearing.

On February 2, 2022, Mr. Waechter filed a letter with the circuit court detailing a telephone conversation he had with Palmer that day in which Palmer expressed the desire to discharge him as counsel. In the letter, Mr. Waechter advised Palmer that he would make his wishes known to the court at the upcoming hearing.

C. February 4, 2022 Hearing

At the hearing, Mr. Mathews again stood in for Mr. Waechter. As we will discuss in greater detail in our analysis, Palmer informed the court that he wished to discharge Mr.

Waechter's law firm because Mr. Waechter had not discussed his case with him. The court advised Palmer that, due to the COVID-19 pandemic, his trial date had been rescheduled to the end of April 2022, that if Palmer chose to discharge Mr. Waechter he would be without representation, and that he would need to hire new counsel or reapply for the services of the Office of the Public Defender. Palmer affirmed that he understood this information and the court granted his motion to discharge counsel.

The court heard argument on Palmer's request for bail review, denied the request to set a bond and *sua sponte* ordered a new competency evaluation of Palmer based on its observations of him during the hearing. Palmer was recommitted to the custody of MDH for that purpose.

That same day, Palmer filled out an application for the services of the Office of the Public Defender, which was filed with the circuit court on February 8, 2022. On February 10, 2022, a District Court Commissioner determined that he was eligible for the services of that office. On March 8, 2022, Tamara Stofa, an assistant public defender, entered her appearance on behalf of Palmer. She represented him at a competency hearing on April 8, 2022, where Palmer again was found competent to stand trial.

D. Jury Trial

Ms. Stofa appeared with Palmer on April 25, 2022, the first day of his two-day jury trial. Before jury selection, the court noted that Ms. Stofa had advised that Palmer wished to address the court "about her representation." As we will discuss in detail in our analysis, Palmer expressed some concerns about Ms. Stofa's representation. The court advised

Palmer that if he discharged Ms. Stofa, he would not be appointed new counsel. Palmer elected not to discharge Ms. Stofa and trial commenced.

The jury convicted Palmer of five counts of second-degree assault. The court sentenced him to 10 years, consecutive, on each count, with 20 years suspended, for an aggregate sentence of 30 years. This timely appeal followed.

DISCUSSION

The Sixth Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, and Article 21 of the Maryland Declaration of Rights afford criminal defendants the right to counsel. *Brye v. State*, 410 Md. 623, 634 (2009) (citing *Broadwater v. State*, 401 Md. 175, 179 (2007)). In addition, a defendant has the "corresponding right to proceed without the assistance of counsel." *Id.* To implement and protect these parallel rights, Rule 4-215 "provides an orderly procedure to [e]nsure that each criminal defendant appearing before the court be represented by counsel, or, if he is not, that he be advised of his Sixth Amendment constitutional right to the assistance of counsel, as well as his correlative constitutional right to self-representation." *Knox v. State*, 404 Md. 76, 87 (2008) (quoting *Broadwater*, 401 Md. at 180–81).

The Supreme Court of Maryland has stated that "the Maryland Rules are precise rubrics" and that "the mandates of Rule 4-215 require strict compliance." *Pinkney v. State*, 427 Md. 77, 87 (2012) (first citing *Parren v. State*, 309 Md. 260, 280 (1987), then citing *Broadwater*, 401 Md. at 182). "Thus, a trial court's departure from the requirements of

Rule 4-215 constitutes reversible error." *Id*. at 88. We review a trial court's interpretation and implementation of Rule 4-215 *de novo*. *Id*.

Rule 4-215 states, in pertinent part:

> (a) **First Appearance in Court Without Counsel.** At the defendant's first appearance in court without counsel, or when the defendant appears in the District Court without counsel, demands a jury trial, and the record does not disclose prior compliance with this section by a judge, the court shall:
>
> (1) Make certain that the defendant has received a copy of the charging document containing notice as to the right to counsel.
>
> (2) Inform the defendant of the right to counsel and of the importance of assistance of counsel.
>
> (3) Advise the defendant of the nature of the charges in the charging document, and the allowable penalties, including mandatory penalties, if any.
>
> (4) Conduct a waiver inquiry pursuant to section (b) of this Rule[[1]] if the defendant indicates a desire to waive counsel.

[1] Subsection (b) states:

> If a defendant who is not represented by counsel indicates a desire to waive counsel, the court may not accept the waiver until after an examination of the defendant on the record conducted by the court, the State's Attorney, or both, the court determines and announces on the record that the defendant is knowingly and voluntarily waiving the right to counsel. If the file or docket does not reflect compliance with section (a) of this Rule, the court shall comply with that section as part of the waiver inquiry. The court shall ensure that compliance with this section is noted in the file or on the docket. At any subsequent appearance of the defendant before the court, the docket or file notation of compliance shall be prima facie proof of the defendant's express waiver of counsel. After there has been an express waiver, no postponement of a scheduled trial or hearing date will be granted to obtain counsel unless the court finds it is in the interest of justice to do so.

***

> (e) **Discharge of Counsel – Waiver**. If a defendant requests permission to discharge an attorney whose appearance has been entered, the court shall permit the defendant to explain the reasons for the request. If the court finds that there is a meritorious reason for the defendant's request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds no meritorious reason for the defendant's request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. If the court permits the defendant to discharge counsel, it shall comply with subsections (a)(1)–(4) of this Rule if the docket or file does not reflect prior compliance.

Md. Rule 4-215.

If, as in this case, a criminal defendant is represented by counsel, but seeks to discharge his or her attorney, Rule 4-215(e) is triggered. The Supreme Court of Maryland has summarized the three steps that the circuit court is then required to follow:

> ***(1) The defendant explains the reason(s) for discharging counsel***
> While the rule refers to an explanation by the defendant, the court may inquire of both the defendant and the current defense counsel as to their perceptions of the reasons and need for discharge of current defense counsel.
>
> ***(2) The court determines whether the reason(s) are meritorious***
> The rule does not define "meritorious." This Court has equated the term with "good cause." This determination—whether there is "good cause" for discharge of counsel—is "an indispensable part of subsection (e)" and controls what happens in the third step.
>
> ***(3) The court advises the defendant and takes other action***
> The court may then take certain actions, accompanied by appropriate advice to the defendant, depending on whether it found good cause for discharge of counsel—*i.e.*, a meritorious reason.

Dykes v. State, 444 Md. 642, 652 (2015) (citations omitted). If a court finds "no meritorious reason" to discharge counsel, it must, among other things, "conduct further proceedings in accordance with subsection (a) of the rule—which governs a defendant's first appearance in court without counsel—if there has not been prior compliance." *Id*. at 653. When there is not a meritorious reason to discharge counsel, "a defendant is not entitled to substitute counsel." *Id*.

I.

The February 4, 2022 Pretrial Hearing

Palmer contends that the court failed to satisfy any of the three steps identified in *Dykes* at the February 4, 2022 hearing and that the errors mandate reversal of his convictions. We set out the pertinent facts.

a.

At the outset of that hearing, the court noted that Palmer "apparently ha[d] discharged [his] attorney" or "wish[ed] to discharge [his] attorney." Palmer replied that that was correct. Palmer added: "[H]e hasn't asked me about my case one single time."

The court responded, "Do you understand that if the [c]ourt grants that request, you are going to be unrepresented?" Palmer replied that he would ask for a continuance. The court questioned whether Palmer planned to hire new private counsel or apply to the Office of the Public Defender. Palmer asked for "some time to figure that out because of the misconduct of the previous attorney I've had who was discharged by the Public Defender's

Office has delayed and impeded the progress of this case."[2]

Mr. Mathews explained that it also was his understanding that Palmer wished to discharge Mr. Waechter, noting that he did not "know all of the specifics as to why." The only specific reason offered had been a family member of Palmer's displeasure that an "African-American attorney" was helping with his case.

Palmer disputed that, calling it "completely fictitious." He stated that the reason was Mr. Waechter's "unprofessionalism" in "not advising [Palmer] that he was sending another attorney to represent [him] back in November" at the competency hearing. He reiterated that counsel had "[n]ot once . . . ever discussed [his] case with [him]."

This colloquy followed:

> THE COURT: Okay. I can't tell you why or why not Mr. Waechter may have done whatever Mr. Waechter may have done. You hired Mr. Waechter, so if you wish to discharge him --
>
> [PALMER]: I would like to discharge Mr. Waechter and [Mr. Mathews]. That statement he just made is childish and fictitious.
>
> THE COURT: All right. We heard you the first time.
>
> ***
>
> THE COURT: . . . If I grant that request, again, you are not going to be represented. This matter has been rescheduled. This case was set for a jury trial on February 22nd and 23rd.
>
> We are unable to hold jury trials during that time due to the order of Chief Judge of the State of Maryland because of

[2] The trial court pointed out that Palmer's original counsel, Mr. Ewing, was not discharged. The record reflected that he moved, and a new assistant public defender was substituted in his place.

> the coronavirus issues. The new dates are April 25th and 26th.

Palmer asked to be released on bond to allow him to prepare for his trial. The court advised that it would consider that request but returned to the issue at hand, asking: "Do you understand that that trial date is set and unless some request is made by you or another attorney that you may hire, you are going to have to find an attorney who is going to be able to be prepared to represent you and try the case[?]" Palmer again asked to be released on bond and the court redirected him to the issue of his request to discharge counsel: "Do you understand that if I grant your request to strike this attorney's appearance, that will leave you unrepresented and you will either have to hire another attorney or apply to the Public Defender's Office?" Palmer affirmed that he understood.

The court asked Palmer to affirm on the record that he knew trial was set to begin at the end of April 2022. Palmer affirmed that he was aware. The court asked if understanding that fact altered Palmer's desire to discharge counsel. Palmer replied that it did not.

Palmer then asked the court why his requests for a change of venue had not been ruled upon. The court responded that the motions were deficient and that that was one of the reasons it would benefit Palmer to be represented by counsel. Palmer replied:

> I need to hire an attorney who communicates with me and conducts himself properly. My attorneys -- once again, I'll say it one more time.
>
> Not once has Mr. Waechter, I don't even know his name, or Mr. Ewing communicated with me or discussed the case with me at all. Not one single time.

The court granted Palmer's request to discharge counsel. It "strongly advise[d]" him to obtain new counsel, either by hiring new private counsel or reapplying to the Office of the Public Defender.

The hearing continued with Palmer representing himself. The court asked him if he wanted to be heard on his request for bail review. He responded by asking to be released on bond so that he could "properly prepare for trial and consult with an attorney myself instead of having my family do it." The State opposed that request, arguing that Palmer "presents an extreme danger to the victim" and that he was diagnosed as "paranoid delusional." The court denied the request to set a bond. As mentioned, it also ordered that Palmer be reevaluated by MDH to determine if he was competent to stand trial.

b.

There is no dispute that Palmer's request to discharge Mr. Waechter's office triggered Rule 4-215(e). We thus must determine if the court satisfied the requirements of that Rule at the hearing.

First, the circuit court was obligated to inquire as to the reasons Palmer wished to discharge Mr. Waechter. Palmer contends that the court "inquired only whether [he] wished to discharge his attorney, not *why* he wished to discharge counsel." The State maintains that because the record reflects that Palmer was allowed to articulate his reasons, it is immaterial whether the court inquired of him. We agree with the State.

Rule 4-215(e) requires only that the court "*permit* the defendant to explain the reasons for the request" to discharge counsel. (Emphasis added); *see, e.g., Gonzales v.*

State, 408 Md. 515, 531 (2009) (If a defendant requests to discharge counsel, "the court must provide the defendant *an opportunity to explain* why the defendant wishes to discharge that attorney." (emphasis added) (citing *Williams v. State*, 321 Md. 266, 273 (1990))). The record reflects that Palmer was given an opportunity to explain the reasons for his dissatisfaction with Mr. Waechter's law firm. He stated multiple times that Mr. Waechter had not discussed his case with him and had sent an associate in his place for two hearings. The court did not interrupt Palmer or prevent him from explaining his reasons. The court was not obligated to question Palmer further about the reasons he offered. *See Hawkins v. State*, 130 Md. App. 679, 686 (2000) (The trial court "'need not engage in a full-scale inquiry'" but must "ensure the reason for requesting dismissal of counsel is explained." (first quoting *Williams*, 321 Md. at 273; then citing *State v. Brown*, 342 Md. 404, 431 (1996)).

Second, the circuit court was required to determine if Palmer's reasons for discharging counsel were or were not meritorious. Palmer maintains that the court erred by not exercising its discretion in this regard. The State responds that the court was not required to make an explicit finding on the meritoriousness of Palmer's reasons for discharge and that it was implicit in the court's actions that it found the reasons to be non-meritorious.

Subsection (e) of Rule 4-215 contains no language requiring the court to state on the record a finding that the defendant's reasons for wanting to discharge counsel are or are not meritorious. In stark contrast to subsection (e), subsection (b) requires that the court

"determines and announces on the record" its findings as to whether a defendant knowingly and voluntarily waived his or her right to counsel. Rule 4-215(e) on its face does not require a court to find on the record that a defendant's reasons for discharge are meritorious or non-meritorious and thus may be satisfied by an implicit determination when the record establishes that the circuit court considered the reasons proffered. *See, e.g., Broadwater v. State*, 171 Md. App. 297, 326–328 (2006) (holding that the court did not err by implicitly finding the defendant's reasons for appearing *pro se* were not meritorious), *aff'd by*, 401 Md. 175 (2007); *Webb v. State*, 144 Md. App. 729, 747 (2002) (finding no error on appeal where "[t]he court, after listening to the explanation" for discharging counsel, "implicitly found the reason was non-meritorious").

"[A] trial court's determination that a defendant had no meritorious reason to discharge counsel under Rule 4-215(e) is reviewed for abuse of discretion." *Cousins v. State*, 231 Md. App. 417, 438 (2017) (citing *State v. Taylor*, 431 Md. 615, 630, 638, 642 (2013)). "[A] ruling reviewed under an abuse of discretion standard will not be reversed simply because the appellate court would not have made the same ruling." *Alexis v. State*, 437 Md. 457, 478 (2014) (emphasis omitted) (quoting *North v. North*, 102 Md. App. 1, 13–14 (1994)). Rather, a court abuses its discretion "when it acts 'without reference to any guiding rules or principles' [and] . . . when the court's act is so untenable as to place it 'beyond the fringe of what the court deems minimally acceptable.'" *State v. Hardy*, 415 Md. 612, 621–22 (2010) (quoting *Brown v. State*, 373 Md. 234, 250 (2003)).

Here, the court had read Mr. Waechter's letter, heard from Palmer, and heard from

Mr. Mathews. Significantly, Palmer made the same complaints against Mr. Waechter, Mr. Mathews, *and* his former attorney, Mr. Ewing, claiming that none of them had discussed his case with him.[3] The Rule states that if the reasons for discharging counsel are non-meritorious, the court must advise the defendant, before he discharges his counsel, that the trial will proceed as scheduled with the defendant unrepresented by counsel. Md. Rule 4-215(e). If the court finds the reasons for discharge meritorious, it must permit the defendant to discharge counsel and may grant a continuance of the trial date, but still must advise the defendant before he discharges counsel that he must secure new counsel before the next trial date or proceed unrepresented. The court here covered both bases by allowing the discharge of counsel and advising Palmer that if he failed to secure new counsel he would be forced to represent himself at trial. Therefore, whether the court implicitly found Palmer's reasons for discharging counsel to be meritorious or non-meritorious, it appropriately followed the mandates of Rule 4-215(e) and did not abuse its broad discretion in so ruling.

Third, if, as here, the court grants the request to discharge counsel, it must comply with subsections (a)(1)–(4) of the Rule. Because Palmer concedes in his brief that the record discloses prior compliance with subsections (a)(1)–(3), our focus is on Rule 4-215(a)(4). That subsection requires the court to "[c]onduct a waiver inquiry pursuant to

[3] Mr. Waechter's letter to Palmer, which was in the record, reflected that he had attempted to "discuss a potential resolution" of this case and a related case that Mr. Waechter believed to be in Palmer's "best interests," but that Palmer refused to listen to those recommendations.

section (b) of this Rule *if the defendant indicates a desire to waive counsel*." (Emphasis added). Section (b) echoes this language, stating it applies when "a defendant who is not represented by counsel *indicates a desire to waive counsel*[.]" (Emphasis added). Consistent with this language, in *Broadwater*, this Court explained that Rule 4-215(a)(4) and its corollary, Rule 4-215(b), "do[] not apply" if a defendant does not indicate a desire to waive counsel. 171 Md. App. at 303 (citing *McCracken v. State*, 150 Md. App. 330, 353 n.4 (2003)), *aff'd* 401 Md. 175 (2007). Likewise, in *McCracken*, this Court reasoned that because Rule 4-215(a)(4) "requires the court to conduct a waiver inquiry pursuant to subsection (b) if the defendant indicates a desire to waive counsel," the court is "relieved of satisfying subsection (a)(4)" if no such desire is indicated. 150 Md. App. 330, 353 n.4 (2003). Indeed, the Supreme Court, in a case involving a request to discharge counsel under Rule 4-215(e), stated: "In order to trigger an inquiry by the trial court regarding whether the defendant desires to waive his right to counsel and proceed *pro se*, the defendant must make a statement that reasonably indicates that he desires to invoke the right to self-representation." *Pinkney v. State*, 427 Md. 77, 90 (2012).

Palmer never expressed a desire to represent himself at the pretrial hearing. When asked whether he intended to hire new private counsel or reapply to the Office of the Public Defender, he replied that he needed "some time to figure that out." He later told the court that he "need[ed] to hire an attorney who communicates with me and conducts himself properly." After the motion to discharge counsel was granted, he reiterated in arguing for bail review that he wanted to be released on bond so that he could personally interview and

meet with a private attorney, rather than relying upon his family to do so. That Palmer did not intend to represent himself was borne out when, that same day, he reapplied for the services of the Office of the Public Defender and, prior to his competency hearing, Ms. Stofa entered her appearance on his behalf.

Had the hearing ended after the court granted Palmer's request to discharge counsel, there would have been no error. However, the hearing continued. First, the court heard argument from Palmer and the State concerning Palmer's bail request. Second, and more egregiously, the court ordered a competency evaluation without allowing Palmer to be heard on the matter.[4] Thus, the court effectively forced Palmer to represent himself at the hearing without first determining if he knowingly and voluntarily waived his right to counsel. In this way, the court erred.

Although denial of the right to counsel is not usually subject to harmless error analysis, our courts have recognized that a violation of a procedural rule may, on rare occasions, be deemed harmless. In *Boulden v. State*, 414 Md. 284 (2010), the Court concluded that the violation of the rule governing the defendant's right to jury trial constituted harmless error. The Court held:

> We also conclude that, under the facts and circumstances of this case, the violation of Rule 4-246 constituted harmless error. An error is harmless and does not entitle a defendant to a new trial if the reviewing court is able to determine "beyond a reasonable doubt that the error in no way influenced the verdict." *Dorsey v. State*, 276 Md. 638, 659 (1976). Although "the rules

[4] Md. Code (2001, 2018 Repl. Vol.), § 3-105(a)(1) of the Criminal Procedure Article provides: "For good cause *and after giving the defendant an opportunity to be heard*, the court may order the Health Department to examine the defendant to determine whether the defendant is incompetent to stand trial." (Emphasis added).

> of procedure are precise rubrics to be strictly followed . . . [,] [i]t does not follow, however, that the harmless error doctrine has no application to the Maryland Rules and that a violation of a procedural rule can never be harmless. There is no basis in authority or logic for such a holding." *Noble v. State*, 293 Md. 549, 557-58 (1982). The violations of certain rules, however, "because of the nature and purpose of these particular rules, can rarely be deemed harmless error." *Id.* at 558. The right to jury trial and the right to counsel are among such rules. *Id.*

Id. at 307. *See also Ray v. State*, 206 Md. App. 309, 349–50, 356 (2012); *Darrikhuma v. State*, 81 Md. App. 560, 567–71 (1990). This case presents the rare occasion to apply the harmless error doctrine. Palmer was unrepresented only at the February 4, 2022 hearing. At all other stages, including at trial, he was represented by counsel. The competency evaluation resulting from the February 4, 2022 hearing was favorable to Palmer—he was found competent to stand trial—and Palmer does not assert that he was not competent to stand trial. Palmer presents no argument as to how being self-represented at a single hearing that occurred months before trial could have affected the verdict. Because we fail to see how the court's error prejudiced Palmer, we conclude beyond a reasonable doubt that the error here in no way influenced the verdict.

II.

The Jury Trial

Palmer contends the court again failed to comply with Rule 4-215(e) on the first day of his jury trial. We set out the pertinent facts.

a.

Prior to jury selection, the court announced that Ms. Stofa had indicated that Palmer wished to discuss her representation. Palmer stated, "I'm just concerned about some of the

interaction that she and I have had." The court responded: "Well, what is it that you wanted to let me know[?]" This followed:

> [Palmer]: Well, she's supposed to be my ally. And, specifically, like last time I appeared [in] court on April 8th, I mean, she stated in the courtroom that we've had a few bumps in the road and began to speak about doctors' reports and stuff like that, which are inappropriate. The one ally that I should have is her. Just as Mr. Waechter is associated -- associate, that smirks [sic] my character in the courtroom. I feel that's done the same thing, on top of interactions we've had at the jailhouse.
>
> THE COURT: Okay. Well, what is it that you are asking?
>
> [Palmer]: They're just concerns.
>
> THE COURT: Okay, well, why are you -- and what is it that the [c]ourt to do about it? Why is it that you wanted to talk to me?
>
> [Palmer]: I just feel like from the start that I have not been represented properly from each attorney that I've had.
>
> THE COURT: What is it that you are asking?
>
> [Palmer]: I mean, I think it would be in my best interest -- I'm asking if you could appoint an attorney or assign me another one from the Public Defenders Office.
>
> THE COURT: No. You have had multiple attorneys. You have found issues with all of them. You have discharged all of them or attempted to. The Public Defenders Office[] is representing you. Ms. Stofa is your attorney. If you elect to proceed -- if you elect to discharge her as your attorney, you are discharging the Public Defenders Office. The [c]ourt is not going to appoint another attorney.
>
> [Palmer]: Do you think that -- I think it was February the 4th when I had to discharge Mr. Waechter's associate. I don't remember his name. I don't know his name. That was an appropriate reason to discharge my attorney. So I don't think that I've been like -- I don't think that I've been --

THE COURT: Mr. Palmer, the Court is not appointing another attorney for you.

[Palmer]: I don't think that I've been unreasonable.

THE COURT: Ms. Stofa is a highly qualified, well experienced attorney. Just because you don't like everything she might tell you doesn't mean that she is not your advocate, or not --

[Palmer]: I -- I --

THE COURT: -- representing you.

[Palmer]: I like Ms. Stofa, I just have been concerned with some of the interactions that we've had.

THE COURT: Okay, well, if you are asking if the [c]ourt will appoint another attorney, the answer is no.

[Palmer]: Well, then we must move forward.

THE COURT: Okay.

b.

Palmer contends that the court erred by not inquiring "into the reasons underlying [his] request" for a substitution of counsel *after* he made that request of the court. The State responds that Rule 4-215(e) does not obligate the court to inquire, only to permit a defendant to explain his reasons and the court satisfied that threshold here.

As set out above, after Ms. Stofa made the court aware that Palmer wished to speak to the court concerning her representation of him, the court asked Palmer an open-ended question: "what is it that you wanted to let me know[?]" Palmer spoke, without interruption, explaining that he did not believe Ms. Stofa was acting as his ally because she told the court about "doctors' reports and stuff like that" during his recent competency

hearing and that he was concerned about some "interactions" they had when she visited him at the jail. The court prompted Palmer several times to explain what he wanted the court to do. Palmer eventually asked the court to appoint him a new attorney or assign him a different attorney from the Office of the Public Defender.

The cases Palmer relies upon to support his position that the failure to inquire justifies reversal are inapposite. In *Williams v. State*, the Supreme Court of Maryland reversed a defendant's convictions for violation of Rule 4-215(e) when on the first day of trial, the defendant told the court he "want[ed] another representative" and the court responded, "Your motion is denied. This is the only Public Defender you are going to get." 321 Md. 266, 267, 274 (1990). The court provided no additional opportunity for the defendant to explain why he sought new counsel. *Id.* at 267–68. Likewise, in *Joseph v. State*, 190 Md. App. 275, 280–81 (2010), this Court reversed a defendant's convictions for violation of Rule 4-215(e) where the court replied, "That's not going to happen" when the prosecutor advised that the defendant sought to release his attorney. *See also Hawkins*, 130 Md. App. at 687–88 (reversing convictions for violation of Rule 4-215(e) because administrative judge denied request to discharge counsel before even hearing from defendant).

In the above cases, this Court and the Supreme Court of Maryland reasoned that the circuit court could not have exercised any discretion to determine the meritoriousness of the defendant's reasons for seeking to discharge his counsel because it determined to deny the request without hearing those reasons. *See Williams*, 321 Md. at 270 ("[I]t is essential

that the court know the defendant's reasons for making the request before it can decide which option is appropriate under the circumstances."). Here, in contrast, by the time Palmer asked for new counsel, the court already had given him ample opportunity to explain the reasons for his dissatisfaction with Ms. Stofa. Having provided a forum for Palmer to speak openly about his concerns, the court had a basis upon which to exercise its discretion to deny the motion. It reasoned that Palmer had been represented by multiple attorneys and "found issues with all of them." It emphasized that Ms. Stofa was a "highly qualified, well experienced attorney" and though Palmer might not like everything she told him, that did not mean she was not acting as his advocate. Because the court found the request to discharge counsel unmeritorious after hearing Palmer's reasons, it did not err or abuse its discretion.

JUDGMENTS OF THE CIRCUIT COURT FOR KENT COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.