

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1307

September Term, 2014

IN RE: TYRONE B.

Krauser, C.J.,
Graeff,
Friedman,

JJ.

Opinion by Krauser, C.J.

Filed: May 20, 2015

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

On July 2, 2014, in the Circuit Court for Prince George’s County, Tyrone B., appellant, pled involved to a single count of third-degree burglary. The court ultimately committed appellant to a level A placement for the third-degree burglary case. At the hearing, the court did not mention a minimum period of confinement; however, the disposition order included a notation that appellant was to be committed for “12 Months minimum.”

Appellant presents a single question on appeal, as follows: “Did the juvenile court err in imposing a minimum period of confinement on Tyrone B.?” Because it appears that the juvenile court imposed a determinate period of custody, we remand for the juvenile court to reconsider its disposition.

BACKGROUND

The only issue on appeal concerns the language in appellant’s disposition order, and therefore, we limit our discussion of the facts to the section of the disposition order at issue, which reads, as follows:

Classification of Facilities:

A. X Secured Facility

****Equivalent facilities for the juvenile are not available in the State of Maryland; and institutional care in the other jurisdiction is in the best interest of the juvenile and will not produce undue hardship.** (12 months minimum)**

(Emphasis in original.)

DISCUSSION

Appellant contends that reversal is required because “[a] juvenile court has no authority to impose a minimum period of confinement on a juvenile.” He requests that this Court should remand this case for the juvenile court to “reconsider its imposition of a determinate period of custody.”¹ The State responds that “the juvenile court correctly exercised its discretion in amending its disposition and committing Appellant to a Level A placement facility for treatment of a recommended minimum of 12 months.”

Maryland Code (1974, 2013 Repl. Vol.), Courts and Judicial Proceedings Article (“CJP”), § 3-8A-24(a) governs the commitment of appellant and provides, as follows:

Except as provided in subsections (b) and (c) of this section, an order under this subtitle vesting legal custody in an individual, agency, or institution is effective for an indeterminate period of time.

In *In re No. 1140*, 39 Md. App. 609, 612-13 (1978), this Court analyzed the predecessor to CJP § 3-8A-24, which is substantively identical to CJP § 3-8A-24, and we held that “[t]he juvenile court may not impose a minimum period of confinement on a juvenile who has been adjudicated delinquent.” We explained:

Subsection (a) provides that every period of commitment shall be “indeterminate” in length, subject to the maximum limits imposed by

¹ Appellant noted that, “on October 7, 2014, this Court remanded four juvenile cases, all presided over by Judge Dawson, because it ‘appear[ed] that the juvenile court ha[d] imposed a determinate period of custody upon [the] appellant[s] in violation of Md. Code, Courts and Judicial Proceedings Article, § 3-8A-24(a).’”

subsections (b) and (c). If indeterminate is read to mean, as the State would have it, *only* that no maximum period of commitment may be ordered, the use of “indeterminate” is rendered practically nugatory. . . .

If “indeterminate” is read to mean that no minimum period of commitment may be ordered, however, the term is meaningful in the context of § 3-825, read as a whole. Such a reading is also entirely consistent with the purposes expressed by the General Assembly, and the particular provisions . . . , which envision a release from commitment or probation when rehabilitation of the juvenile has been accomplished.

Id. at 612-13.

Here, it appears that the court imposed a minimum period of confinement, in violation of CJP § 3-8A-24. Consequently, we reverse and remand this case to the juvenile court for it to impose an indeterminate period of commitment consistent with this opinion and CJP 3-8A-24.

**COMMITMENT ORDER REVERSED; CASE
REMANDED TO THE JUVENILE COURT FOR
PROCEEDINGS CONSISTENT WITH THIS
OPINION. COSTS TO BE PAID BY PRINCE
GEORGE’S COUNTY.**