

Circuit Court for Montgomery County
Case No. 427346-V

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 43

September Term, 2017

LAWRENCE JUSTIN MILLS

v.

MARYLAND STATE POLICE

Woodward, C.J.,
Friedman,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 11, 2018

*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.

Lawrence Mills, appellant, was acquitted of driving under the influence following a *de novo* jury trial in the Circuit Court for Montgomery County.¹ The arresting officer, and primary witness, was Maryland State Trooper Anthony Hassan. Following his acquittal, appellant filed an administrative complaint with the Maryland State Police claiming that Trooper Hassan had committed perjury. The case was investigated by the Maryland State Police’s Internal Affairs Division (the Division) and they ultimately determined that Mills’s claim was “unfounded.”

Mills then filed a petition for a writ of administrative mandamus requesting the circuit court to “modify the finding of the perjury complaint against Trooper Anthony Hassan to ‘sustained’” and to “order Maryland State Police Captain David W. Kitzinger to terminate Trooper Anthony Hassan’s employment.” The circuit court dismissed Mills’s petition following a hearing. On appeal, Mills raises three issues, which reduce to one: whether the circuit court erred in dismissing his petition for a writ of administrative mandamus. For the reasons that follow, we affirm.

Rule 7-401(a) provides that administrative mandamus is “for judicial review of a quasi-judicial order or action of an administrative agency where review is not expressly authorized by law.” An “administrative agency means any agency, board, department, district, commission, authority, Commissioner, official, or other unit of the State or of a political subdivision of the State.” *Id.* 7-401(b) Based on our review of the record, we are persuaded that the Division’s determination that Mills’s complaint was unfounded was not

¹ Mills was originally convicted in the District Court following a bench trial.

a “quasi-judicial” order or action of an administrative agency. Therefore, administrative mandamus pursuant to Rule 7-402 is inapplicable. *See generally 1000 Friends of Maryland v. Ehrlich*, 170 Md. App. 538, 550 (2006) (“Quasi-judicial proceedings involve ‘the fundamentals of due process,’ such as ‘a hearing.’” (citations omitted)).

Moreover, even if we were to assume that the Division’s determination constituted a “quasi-judicial” action, Mills lacked standing to file a petition for writ of administrative mandamus in any event. Maryland Rule 7-403 provides that a circuit court can only issue a writ of administrative mandamus “if any substantial right of the plaintiff may have been prejudiced” by the agency’s decision. *See also Barson v. Maryland Bd. of Physicians*, 211 Md. App. 602, 618-19 (2013) (noting that an individual may not bring a petition for administrative mandamus unless he or she can show the denial of “a clear legal right or protected interest”). And the plaintiff’s injury must be “different in character and kind from that which the general public will suffer from the illegal action in question.” *Glen Burnie Improvement Ass’n, Inc. v. State Appeal Bd.*, 213 Md. 407, 412 (1957).

Here, Mills alleged that he had “personal interest” in the case because he suffered damages as a result of Trooper Hassan’s actions. However, having a personal desire to see Trooper Hassan punished did not give Mills a “clear legal right or protected interest” in the outcome of the Division’s investigation. Moreover, the refusal to punish Trooper Hassan following that investigation did not affect Mills’s substantial rights.

Consequently, the circuit court did not err in dismissing his petition for writ of administrative mandamus.

**JUDGMENT OF THE CIRCUIT
COURT FOR MONTGOMERY
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**