

Circuit Court for Anne Arundel County  
Case No.: C-02-CV-23-001802

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 139

September Term, 2024

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IN THE MATTER OF  
DWIGHT LARCOMB

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Shaw,  
Ripken,  
Meredith, Timothy E.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: March 31, 2025

\*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In 2022, Dwight Larcomb, appellant, was convicted of violating a protective order 17 times, stalking, and intimidating or influencing a juror. The Circuit Court for Frederick County imposed 17 consecutive 90-day sentences for violating the protective order and a consecutive 5-year sentence for stalking. The court also imposed a suspended ten-year sentence for intimidating or influencing a juror and placed Larcomb on five years' probation following his release. In June 2023, Larcomb appeared before a hearing officer of the Parole Commission, appellee, for his first parole hearing.

At the hearing, the hearing officer and Larcomb discussed the circumstances surrounding his convictions. Larcomb discounted the seriousness of his crimes and the impact they had on the victim. Among other things, the hearing officer considered Larcomb's limited criminal history, his lack of disciplinary history in the Division of Correction, his minimum security level, and his employment and programming in the Division of Correction.

The officer also noted the circumstances surrounding Larcomb's placement on administrative segregation in February 2023. Larcomb was placed on administrative segregation at the Maryland Correctional Training Center after a staff member complained that he had made her feel "very uncomfortable." An investigation revealed that Larcomb often "made remarks to staff members that contained personal information that he shouldn't know because the staff member(s) stated they do not know him." As a result, Larcomb remained on administrative segregation and was placed on the transfer list.

Following the hearing, the hearing officer recommended permanently refusing Larcomb parole due to the nature and circumstances of his crimes and their impact on the

victim. The officer observed that Larcomb had stated that “he was in a toxic relationship and both parties, he and the Victim, were to blame.” The hearing officer considered the statutory factors and concluded that the impact of Larcomb’s crimes on the victim and his “blatant violation” of the protective order warranted permanently refusing parole. A parole commissioner adopted the hearing officer’s recommendation.

Larcomb appealed his parole decision within the Commission. He continued to minimize his crimes, blamed the victim, and outright denied that he had been convicted of stalking her. A two-commissioner panel reviewed Larcomb’s appeal and agreed that he was not a suitable candidate for parole at that time because he refused to accept responsibility for his actions and could still pose a threat to the victim. That said, the commissioners did not believe that a permanent refusal of parole was appropriate. They instead decided that Larcomb should be considered for parole again in July of 2025.

Larcomb then petitioned the Circuit Court for Anne Arundel County for judicial review. Ultimately, the court treated Larcomb’s petition as seeking a writ of administrative mandamus, and, after a hearing, it denied relief. This appeal followed.

We review the denial of a petition for writ of administrative mandamus under the same standard as an action for judicial review. *Perry v. Dep’t of Health and Mental Hygiene*, 201 Md. App. 633, 639–40 (2011). In doing so, we “look through” the circuit court’s decision to evaluate the agency’s decision. *People’s Couns. for Balt. Cnty. v. Loyola Coll.*, 406 Md. 54, 66 (2008).

Under Maryland Rule 7-403, a court may issue a writ of administrative mandamus

reversing or modifying [an agency’s] decision if any substantial right of the plaintiff may have been prejudiced because a finding, conclusion, or decision of the agency: (A) is unconstitutional, (B) exceeds the statutory authority or jurisdiction of the agency, (C) results from an unlawful procedure, (D) is affected by any error of law, (E) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted, (F) is arbitrary or capricious, or (G) is an abuse of its discretion.

Preliminarily, the Commission argues that mandamus does not lie here because the decision to grant or deny parole does not involve a “substantial right” within the meaning of Rule 7-403. We agree. Maryland law does not create a “protectible expectation” to parole under the Due Process Clause because of the broad discretion afforded by statute to the Commission. *McLaughlin-Cox v. Md. Parole Comm’n*, 200 Md. App. 115, 121–25 (2011). Further, incarcerated individuals in Maryland do not have a liberty interest in parole until they are served with a formal Order for Parole. *See Lomax v. Warden, Md. Corr. Training Ctr.*, 120 Md. App. 314, 338 (1998), *aff’d*, 356 Md. 569 (1999).

Even if its decision did affect a substantial right, the Commission complied with all applicable laws and regulations when making its parole release determination for Larcomb. The Commission reviewed all applicable facts and circumstances of Larcomb’s case including the factors listed in Md. Code Ann., Corr. Servs. § 7-305. The Commission was particularly concerned with the nature of Larcomb’s crimes and his repeated refusal to take responsibility for his actions. The facts, taken as a whole, constituted substantial evidence sufficient to support the Commission’s decision that Larcomb was not presently a suitable candidate for parole.

Put simply, the Commission’s decision was not unconstitutional; it did not exceed the statutory authority or jurisdiction of the Commission; it did not result from an unlawful procedure; it was unaffected by any error of law; it was supported by competent, material, and substantial evidence in light of the entire record as submitted; it was not arbitrary or capricious; and it did not constitute an abuse of its discretion. Consequently, we shall affirm the judgment of the circuit court.

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