

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0291

September Term, 2016

CLEVELAND JONES

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 9, 2017

*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.

Following a jury trial, in the Circuit Court for Prince George’s County, Cleveland Jones, appellant, was convicted of theft and sentenced to a term of ten years’ imprisonment, with all but three years suspended. In this appeal, Jones claims that the trial court failed to comply with Maryland Rule 4-215(e) following his pretrial request to discharge counsel.¹ Specifically, Jones claims that the trial court erred by failing to inquire as to his reasons for wanting to discharge counsel; by failing to determine whether the reasons were meritorious; and, by misinforming him as to his options. Finding no error, we affirm.

First, Maryland Rule 4-215(e) “does not require the conduct of an inquiry in any particular form[.]” *Moore v. State*, 331 Md. 179, 187 (1993). Rather, the rule “imposes an affirmative duty on the circuit court to provide a ‘forum’ in which the defendant can ‘explain the reasons for his or her request.’” *State v. Graves*, 447 Md. 230, 242 (2016) (internal citations omitted). This is precisely what the trial court did in the instant case, as Jones was given ample opportunity to explain the reasons for his dissatisfaction with his current counsel.

Moreover, nowhere in the Rule does it state that a court must make an on-the-record finding as to the merits of a defendant’s request to discharge his counsel. Instead, the record must reflect that the court “actually consider[ed] the reasons for the request[.]” *Graves*, 447 Md. at 243; *See also Moore*, 331 Md. at 186-87 (“[T]he record must also be sufficient to reflect that the court actually considered those reasons.”); *Hawkins v. State*, 130 Md. App. 679, 687 (2000) (Trial court erred, in part, because it failed to “give careful

¹ Jones was represented by counsel at trial.

consideration to the defendant’s explanation[.]”). Here, the record indicates that the court listened to and considered Jones’ explanation, which, in essence, was that his attorney was “not in [his] best interest.” That the court did not expressly state its findings is not dispositive. *See Webb v. State*, 144 Md. App. 729, 747 (2002) (finding no error where “[t]he court, after listening to the explanation, implicitly found the reason was non-meritorious.”).

Nevertheless, the court provided Jones with a comprehensive explanation of the potential consequences of his discharging counsel, meritorious or not. The court first told Jones that, if he were to dismiss his attorney, he could hire another attorney. The court then told Jones that he could discuss the matter with the Office of the Public Defender, but that the Office would likely not provide him with a different attorney. The court also discussed the nature of the charges against Jones, the potential penalty, the importance of having a trained attorney, and the inherent dangers of *pro se* representation. Finally, prior to granting a continuance, the court informed Jones that, if he were to come to trial without counsel, trial would proceed as scheduled, and Jones would have to represent himself. In short, the trial court did all that was required under the rule.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**