

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 0334

September Term, 2014

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IN RE: WILLIAM H.

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Krauser, C.J.,  
Zarnoch,  
Reed,

JJ.

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Opinion by Krauser, C. J.

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Filed: May 4, 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.

Found to have been involved in the offense of obstruction of justice by the Circuit Court for Calvert County, sitting as the juvenile court, William H., appellant, contends that the evidence was not sufficient to support that finding. The State agrees, as do we, and we therefore reverse the court's judgment.

### **FACTS AND PROCEEDINGS**

On August 7, 2013, at approximately 7:00 p.m., Billy Sparks rode his bicycle to a friend's house, in the Dares Beach neighborhood, to assist that friend in changing a belt on his truck. When Sparks arrived, he stored his bicycle under the deck of a friend's house. A few moments later, William H. approached Sparks and told him that he had seen someone riding Sparks's bicycle. Sparks then followed William H. down the street and around a corner, where he saw Tyler S. riding his bicycle.<sup>1</sup>

When Sparks confronted Tyler S., Darren Miles emerged from some nearby bushes and a fistfight ensued between Miles and Sparks. As the fight progressed, the two fell to the ground. When Sparks tried to separate himself from Miles, Tyler S. walked over to him and kicked him in the head, causing him to "kind of black[] out for a moment." Upon regaining consciousness and noticing that the back pocket of his shorts had been ripped open and that his wallet and cigarettes were missing, Sparks called the police to report the incident. When

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<sup>1</sup> Like William H., Tyler S. was a minor at the time of the events in question. As such, we shall refrain from identifying him by his surname.

that call was completed, he walked around the corner, where he saw William H., Tyler S., and Miles running up Dares Wharf Road.

At the adjudication hearing which followed, Deputy Ward<sup>2</sup> of the Calvert County Sheriff's Office testified that he was involved in the investigation of the robbery reported by Sparks. The deputy stated that during his investigation of the incident, he spoke with William H. and that, during their conversation, William H. acknowledged that he had seen someone take Sparks's bicycle and that he had informed Sparks about it. But he said that William H. had told him that he did not know Miles, that, though he knew Tyler S., he had not been with him on the evening in question, and that Tyler S. had not been involved in the altercation with Sparks.

At the conclusion of the hearing, the court found that William H. had impeded the investigation into the robbery of Sparks by lying to Deputy Ward and therefore found him involved in the offense of obstruction of justice.

### **DISCUSSION**

William H. contends that the record was not sufficient to prove that he had obstructed justice. Pointing out that section 9-306(a) of the Criminal Law Article ("C.L."),<sup>3</sup> only

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<sup>2</sup> Deputy Ward's first name does not appear in the record.

<sup>3</sup> Md. Code (2002, 2012 Repl. Vol.), § 9-306(a) of the Criminal Law Article.

prohibits actions which obstruct or impede a judicial proceeding, not a police investigation. He points out that, even if he had lied to Deputy Ward, that lie related to a police investigation, not a judicial proceeding.

The State, moreover, concedes that, because there was no relevant judicial proceedings pending at the time William H. spoke to Deputy Ward, there was insufficient evidence that William H. obstructed justice.

Section 9-306(a) of the Criminal Law Article provides that “[a] person may not, by threat, force, or corrupt means, obstruct, impede, or try to obstruct or impede the administration of justice in a court of the State.” When William H. voluntarily spoke to Deputy Ward during the Sheriff’s Office’s investigation of the robbery reported by Sparks, the statements he made conflicted with those made by Sparks, Tyler S., and Tyler S.’s mother. In *Pagano v. State*, however, the Court of Appeals held that “the [obstruction of justice] statute prohibits only actions aimed at obscuring or impeding a judicial proceeding[,] and, therefore, actions which merely obstruct a police investigation, when no judicial

proceeding is pending, do not violate the statute. 341 Md. 129, 139 (1996).<sup>4</sup> We therefore reverse.

**JUDGMENT FOR THE CIRCUIT COURT  
FOR CALVERT COUNTY REVERSED.  
COSTS TO BE PAID BY CALVERT  
COUNTY.**

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<sup>4</sup> At the time *Pagano, supra*, was decided, the obstruction of justice statute was to be found at Maryland Code Article 27, § 26 (1957, 1992 Rep. Vol., 1995 Supp.), which provided, in pertinent part:

**§ 26. Intimidating or corrupting jurors, etc.; obstructing justice.**

If any person by corrupt means or by threats or force endeavors to influence, intimidate, or impede any juror, witness, or court officer *of any court of this State* in the discharge of his duty, *or by corrupt means or by threats or force obstructs, impedes, or endeavors, to obstruct or impede the due administration of justice therein*, he is liable to be prosecuted . . . .

(Emphasis added.)

Because this earlier version of the obstruction of justice statute was essentially the same as the current one, C.L. § 9-306, is applicable to the instant case.