Circuit Court for Prince George's County
Case Nos. C-16-JV-23-000856;
C-16-JV-24-000004;
C-16-JV-24-000014

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0346

September Term, 2024

IN RE: J.C.

Berger,
Leahy,
Getty, Joseph M.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Leahy, J.

Filed: March 14, 2025

* This is an unreported opinion. The opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In this consolidated appeal, the State of Maryland appeals the *sua sponte* decision of the Circuit Court for Prince George's County, sitting as a juvenile court, to dismiss juvenile delinquency petitions against Appellee, J.C. (born August 2009), at an adjudicatory hearing.

The State asks the following question: "Did the juvenile court abuse its discretion in dismissing the petitions for want of prosecution?" We answer in the affirmative, and reverse the juvenile court's decision to dismiss the delinquency petitions.

FACTUAL AND PROCEDURAL BACKGROUND[1]

This appeal concerns three juvenile delinquency petitions filed by the State involving J.C. The first, filed on December 29, 2023, in Case No. C-16-JV-23-000856, alleged that J.C. was involved in robbery, second-degree assault, and theft between $100 and $1,500 for an incident that occurred on September 11, 2023. The second, filed on January 2, 2024, in Case No. C-16-JV-24-000004, alleged J.C.'s involvement in robbery, second-degree assault, and theft between $100 and $1,500 for an incident that took place on September 13, 2023. The third, filed on January 4, 2024, in Case No. C-16-JV-24-000014, alleged that J.C. was involved in armed robbery, robbery, second-degree assault, and attempted theft between $100 and $1,500 for an incident that occurred on October 23, 2023.

On January 25, 2024, the juvenile court issued summons for J.C. and his mother,

[1] We provide only the facts necessary for our review of the juvenile court's dismissal of juvenile petitions.

and set February 21 as the hearing date for the initial appearance in all three cases. That hearing never took place; instead, J.C. appeared in court for the first time on February 5, 2024, for a detention hearing. Although the record before us does not include a transcript of the detention hearing, the hearing sheet reflects that J.C.'s counsel waived formal reading of the petitions. The juvenile court placed J.C. on community detention.[2] The court also set a detention review hearing for February 20 and a "[m]erits" hearing for March 19. On February 13, 2024, the Office of the Public Defender filed a one-page pleading titled "Entry of Appearance, Mandatory Motions, Motion to Sever and Motion for Discovery and Inspection."[3] At the detention review hearings held on February 20 and March 5, the juvenile court continued J.C.'s community detention. The hearing sheets show no other discussion between the parties and the juvenile court.

On March 19, the juvenile court held an adjudicatory hearing on all three petitions in accordance with the schedule set on February 5. J.C. appeared with his counsel and his father. As the hearing began, the State moved for an extension of time:

> Your Honor, State's requesting a continuance in all of these matters. The State learned on Thursday that one of the State's essential witnesses,

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[2] Maryland Department of Juvenile Services defines community detention as "the program that allows youth to be served in their home and in their communities rather than in out-of-home placements by utilizing Electronic Monitoring to supervise youth." Maryland Department of Juvenile Services, *Community Detention (CD Policy*) https://djs.maryland.gov/Documents/policies/community/Community-Detention-%28CD-Policy%29_CS-116-13.pdf (last visited February 26, 2025).

[3] Among other things, J.C. requested discovery, suppression of "any and all evidence obtained by the State in violation of [his] right[,]" and "a speedy and/or juvenile hearing." Such a pleading is also known as an "omnibus motion." *See Sinclair v. State*, 444 Md. 16, 24 (2015).

> Detective Rodas Flores, is out all week this week. Unfortunately, I was unable to file a motion to continue on Friday as I was out sick, and I did contact [J.C.'s counsel] yesterday to let her know and I did file a petition or a motion to continue yesterday.
>
> He is -- Detective Rodas Flores is an essential witness in all three of these cases. This is also the first time up for all of the matters, and the James date is not until April 5th. So the State would be requesting a continuance in all three matters.

J.C.'s counsel objected to the continuance, noting that she "learned of the State's request yesterday." Counsel further emphasized that J.C. was "still detained on community detention with electronic monitoring" and "[h]is liberty [was] restricted." The following exchange then took place between the State and the juvenile court:

> THE COURT: Where is your detective?
>
> [THE STATE]: I believe he stated he is in Baltimore all week for a training.
>
> THE COURT: Training?
>
> [THE STATE]: That's all the information that I was provided, Your Honor, is that he was in Baltimore for the week for training.
>
> THE COURT: Motion to dismiss for want of prosecution granted. Thank you.
>
> [THE STATE]: Thank you, Your Honor.

Before concluding the hearing, the juvenile court confirmed that J.C. would be released from community detention in all cases. On April 18, 2024, the State filed this timely appeal.

DISCUSSION

A. Legal Framework

In order to place the parties' contentions on appeal in proper context, we outline the relevant law governing juvenile delinquency proceedings.

1. Maryland's Juvenile Causes Act

In Maryland, "[j]uvenile causes are civil, not criminal proceedings." *In re Areal B.*, 177 Md. App. 708, 714 (2007). Accordingly, the General Assembly has created "a separate system for juvenile offenders, civil in nature," by enacting the Juvenile Causes Act, codified at Maryland Code (1973, 2020 Repl.Vol.), Courts and Judicial Proceedings Article ("CJP") §§ 3–8A–01 *et seq*. *See In re Victor B.*, 336 Md. 85, 91 (1994). The Juvenile Causes Act "grant[s] jurisdiction in juvenile courts over young offenders and establish[es] the process for treating them, to advance its purpose of rehabilitating the juveniles who have transgressed to ensure that they become useful and productive members of society." *Lopez-Sanchez v. State*, 155 Md. App. 580, 598 (2004), *aff'd*, 388 Md. 214 (2005). Concurrently, Chapter 11 of the Maryland Rules, titled "Juvenile Causes," contains procedural rules governing juvenile proceedings.

The Juvenile Causes Act must be "liberally construed to effectuate [its] purposes." CJP § 3–8A–02(b). As the Supreme Court of Maryland emphasized, its paramount goal is the "protection and rehabilitation of the individual rather than a societal goal of retribution and punishment." *Smith v. State*, 399 Md. 565, 580 (2007) (internal citations and quotations omitted); *see also In re William A.*, 313 Md. 690, 695 (1988) ("The *raison d'etre*

of the Juvenile Causes Act is that a child does not commit a crime when he commits a delinquent act . . . . [The child] is not to be punished but afforded supervision and treatment to be made aware of what is right and what is wrong[.]") (citation omitted).

Under the Juvenile Causes Act, "[t]he process by which a child is determined to be delinquent consists of a two-step procedure: an adjudicatory hearing, then a disposition hearing." *In re Charles K.*, 135 Md. App. 84, 93 (2000) (quoting *In re George V.*, 87 Md. App. 188, 190 (1991)). At the adjudicatory hearing, "the allegations . . . that the child has committed a delinquent act must be proved beyond a reasonable doubt[.]" CJP § 3–8A–18. A juvenile may not be classified as a "delinquent child" unless the adjudicatory judge finds that the child committed a delinquent act. *Charles K.*, 135 Md. App. at 94.

2. Scheduling a Juvenile Adjudicatory Hearing

Under CJP § 3–8A–15, a child taken into custody may be placed in emergency shelter, detention, or community detention by the court or an intake officer prior to an adjudication hearing under certain circumstances. *See* CJP § 3–8A–15(a)–(c). Then, "the intake officer or the official who authorized detention [or] community detention . . . shall immediately file a petition to authorize continued detention [or] community detention[.]" CJP § 3–8A–15(d)(1). The hearing on the petition must be held "no[ ] later than the next court day, unless extended for no more than 5 days by the court upon good cause shown." CJP § 3–8A–15(d)(2). As pertinent here, the statute mandates that, "[a]n adjudicatory . . . hearing shall be held no later than 30 days after the date a petition for detention or community detention is granted." CJP § 3–8A–15(d)(6)(i).

Similarly, in pertinent part, Rule 11–421 provides:

(b) **Timing.** –

* * *

(2) **Generally.** – An adjudicatory hearing shall be commenced within 60 days after the earlier of service of the delinquency petition on the respondent or the entry of appearance of counsel for the respondent.

(3) **Respondent in Detention, Community Detention, or Shelter Care.** – If the respondent is in detention, community detention, or shelter care, the adjudicatory hearing shall commence within 30 days after the date on which the court ordered continued detention, community detention, or shelter.

An adjudicatory hearing may be extended as follows:

> Upon motion made on the record by the petitioner or respondent within the time limits set above, **the county administrative judge or a judge designated by the administrative judge may extend the time within which the adjudicatory hearing may be held for extraordinary cause shown.** The judge shall state on the record the cause that requires an extension and specify the number of days of the extension.

Md. Rule 11–421(b)(6) (emphasis added).[4]

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[4] Rule 11–114 (2021), which was the precursor to the present Rule 11–421, provided:

> **b. Scheduling of hearing. —**
>
> **1. Adjudicatory hearing. —** An adjudicatory hearing shall be held within sixty days after the juvenile petition is served on the respondent unless a waiver petition is filed, in which case an adjudicatory hearing shall be held within thirty days after the court's decision to retain jurisdiction at the conclusion of the waiver hearing. However, upon motion made on the record within these time limits by the petitioner or the respondent, the administrative judge of the county or a judge designated by him, for extraordinary cause shown, may extend the time within which the adjudicatory hearing may be

(Continued)

The statute in its current form does not specify a sanction for noncompliance with the scheduling requirement, but the Maryland Rules do. Rule 11–406(e)(1)(B) provides, "[i]f the time requirements of [CJP] §3–8A–15 . . . are not met, the court shall release the child from detention or community detention on such terms and conditions as the court deems appropriate for the protection of the child and the safety of the community."

3. Dismissal as a Sanction

In juvenile proceedings, dismissal is not a proper sanction for violation of procedural requirements "absent 'extraordinary and egregious circumstances.'" *In re Keith*

> held. The judge shall state on the record the cause which requires an extension and specify the number of days of the extension.
>
> **2. Pre-hearing detention or shelter care. —** If the respondent is in detention or shelter care, the adjudicatory hearing shall be held within thirty days from the date on which the court ordered continued detention or shelter care. **If an adjudicatory hearing is not held within thirty days, the respondent shall be released on the conditions imposed by the court pending an adjudicatory hearing, which hearing shall be held within the time limits set forth in subsection 1 of this section.**

(Emphasis added). *See In re Thomas J.*, 372 Md. 50, 61 (2002) (noting that Rule 11–114 "provide[d] protection against delayed juvenile adjudicatory proceeding . . . to detained juveniles who [were] not given an adjudicatory hearing within thirty days of the court ordered detention[.]").

The Rules Committee added Rule 11–421 through a Rules Order signed on November 9, 2021. The change became effective on January 1, 2022. The Rules Committee's Report accompanying the proposed rule change provides that Rule 11–421 "retains the time limits on conducting the hearing[,]" such as "30 days after an order of continued detention, community detention, or shelter care[.]" *See* Standing Committee on Rules of Practice and Procedure, 208th Report, July 27, 2021, available at www.courts.state.md.us/sites/default/files/rules/reports/208threport.pdf.

G., 325 Md. 538, 545 (1992) (quoting *In re Keith W.*, 310 Md. 99, 104 (1987)); *see also Gaetano v. Calvert County*, 310 Md. 121, 125 (1987) ("[A] statute or rule may be mandatory and yet not require dismissal as a sanction for failure to comply with its provisions."). The Supreme Court of Maryland has emphasized that "the purpose of Maryland's juvenile statutes is not ordinarily best served by dismissal of the proceedings[.]" *Keith G.*, 328 Md. at 545; *see also In re Caitlin N.*, 192 Md. App. 251, 270 (2010) ("Neither the juvenile nor society should be denied the benefits of the juvenile's rehabilitation because of a technical violation of . . . scheduling requirements.") (quoting *Keith W.*, 310 Md. at 109). When deciding whether dismissal is proper as a sanction, the juvenile court "*must* examine 'the totality of circumstances,' keeping in mind the overriding purposes of the juvenile statute." *Keith G.*, 325 Md. at 545 (citations omitted) (emphasis added).

B. Parties' Contentions

On appeal, the State contends that the juvenile court abused its discretion in dismissing the delinquency petition against J.C. J.C. disagrees, highlighting that the juvenile court violated its "obligation" to hold the adjudication hearing by March 6, 2024—30 days from February 5, 2024, the date that J.C. was first placed on community detention. Accordingly, J.C, posits that the court did not abuse its discretion in dismissing the petitions because the adjudicatory hearing on March 19, 2024, was already "well beyond the date required by the rule and statute."

The State acknowledges that "[b]ecause J.C. was placed in community detention,

his adjudicatory hearing should have begun within 30 days provided he remained on community detention and provided there was no finding of extraordinary cause to postpone." However, the State presses that "the relief for a delayed adjudication hearing is not dismissal, but release from detention."

The State argues that the juvenile court abused its discretion in dismissing this case for a number of reasons. First, the State points out that the juvenile court "made no finding that the State was beyond the statutorily required date by which J.C.'s petitions shall be adjudicated." Indeed, the State notes that prior to the dismissal, neither the court nor J.C.'s counsel disputed the State's contention that the date by which the adjudicatory hearing must occur was April 5, which would have been 60 days from the date of service of the petition on February 5, 2024. Second, the State emphasizes that no motion or request to dismiss was pending at the time the juvenile court chose to dismiss the entire matter *sua sponte*. According to the State, the court "became both advocate and judge when it effectively made a motion on J.C.'s behalf, where J.C. was represented by counsel." The State argues that the juvenile court should have instead ruled on the State's postponement request and made findings as to whether the stated reason for the request constituted "extraordinary cause" justifying the extension of the deadlines.

J.C. counters that the State's failure to comply with the timing requirements under Rule 11–421 and CJP § 3–8A–15(d)(6)(i) warranted the dismissals. J.C. emphasizes that "the State had control of whether it was ready to proceed on the day of trial[,]" but could not proceed on the day of the adjudicatory hearing because of a missing witness—a law

enforcement officer. J.C. also emphasizes that the State proffered no details as to the witness's absence, "i.e. . . . whether [the officer was attending] mandatory training or a discretionary one, when it had been scheduled, whether [the officer] had to be there for the entire thing or could take a break at some point during the day . . . ," and therefore, "the State must be held accountable for the aspect of bringing a case to trial in a timely manner that is within their control."

Lastly, J.C. argues that the State acquiesced in the dismissals by failing to object at the end of the hearing, and by responding, "Thank you, Your Honor." The State replies that it did not waive its arguments regarding the court's decision to dismiss the delinquency petition by failing to object because "the court did not allow the State to respond or object to its *sua sponte* dismissal[s]."

C. Standard of Review

In a juvenile delinquency matter, the court's decision may not be disturbed unless "there has been a clear abuse of discretion." *In re Elrich S.*, 416 Md. 15, 30-31 (2010) (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). As with any court, "[a]n abuse of discretion occurs when the juvenile court . . . 'exercises discretion in an arbitrary or capricious manner or when [the court] acts beyond the letter or reason of the law.'" *In re S.F.*, 477 Md. 296, 314 (2022) (quoting *Cooley v. State*, 385 Md. 165, 175 (2005)); *see also In re Adoption of Jayden G.*, 433 Md. 50, 87 (2013) (noting that a juvenile court abuses its discretion if its ruling "does not logically follow from the findings upon which it supposedly rests or has no reasonable relationship to its announced objective.") (citation

omitted). In addition, where a court must exercise discretion, the failure to do so constitutes an abuse thereof. *In re Don Mc.*, 344 Md. 194, 201 (1996); *see also Cagle v. State*, 462 Md. 67, 75 (2018) ("A failure to exercise this discretion, or a failure to consider the relevant circumstances and factors of a specific case, 'is, itself, an abuse of discretion[.]'") (quoting *101 Geneva LLC v. Wynn*, 435 Md. 233, 241 (2013)).

D. Analysis

Preservation

Preliminarily, we address the issue of preservation. "Ordinarily, the appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court. . . ." Md. Rule 8–131(a). Rule 2–517(c), which governs the method of making objections in a civil matter, provides:

> For purposes of review by the trial court or on appeal of any other ruling or order, it is sufficient that a party, at the time the ruling or order is made or sought, makes known to the court the action that the party desires the court to take or the objection to the action of the court. The grounds for the objection need not be stated unless these rules expressly provide otherwise or the court so directs. **If a party has no opportunity to object to a ruling or order at the time it is made, the absence of an objection at that time does not constitute a waiver of the objection.**

(Emphasis added); *see also* Md. Rule 4–323(c) (providing the same in criminal proceedings). "The standard for determining preservation in criminal and other civil cases holds true in juvenile cases as well." *In re Ryan S.*, 369 Md. 26, 36 (2002). The preservation requirement aims to preserve the integrity and the efficiency of the trial, not to foreclose appellate review. *Robson v. State*, 257 Md. App. 421, 460 (2023).

We conclude that the juvenile court's decision to dismiss the underlying

delinquency petitions is properly before us because the State sufficiently "ma[de] known to the court" that it desired postponement of the adjudicatory hearing. Md. Rule 2–517(c). Further, although J.C. claims that the State's failure to object to the dismissals constituted a waiver, the State was never given an opportunity to raise the objection. Immediately after the State explained the unavailability of its key witness, the juvenile court dismissed the petitions by simply announcing, "Motion to dismiss for want of prosecution granted. Thank you." *See State v. Young*, 462 Md. 159, 168 (2018) (holding that the defendant had "no opportunity" to object to the court's ruling on the State's motion *in limine,* where "[b]efore the prosecutor finished making her argument, the trial judge cut her off midsentence and granted her motion."). We are not persuaded to hold otherwise merely because, once the petitions were dismissed, the State's attorney said, "Thank you, Your Honor," without contesting the dismissals any further. *See Elliott v. State*, 185 Md. App. 692, 711 (2009) ("[A]lthough defense counsel thanked the court after it heard argument on the State's use of its jury strikes, defense counsel's response 'was merely obedient to the court's ruling and obviously [was] not a withdrawal of the prior . . . objection'") (quoting *Ingolia v. State*, 102 Md. App. 659, 664 (1995)). We conclude that, even though the State failed to expressly object to the dismissals, that "does not constitute a waiver of the objection." Md. Rule 2–517(c).

Violation of Timing Requirements

Turning to the merits of this appeal, the State concedes that the juvenile court below exceeded the 30-day window for adjudication of a juvenile who had been placed on

community detention. We agree.

For juveniles detained or on community detention, CJP § 3–8A–15(d)(6)(i) requires that an adjudicatory hearing occur "no later than 30 days after the date a *petition for detention or community detention* is granted." (Emphasis added). Other subsections of CJP § 3–8A–15 give context to the nature of this "petition." The statute provides that, "if a child is taken into custody . . . the child may be placed in detention or community detention prior to a hearing[.]" CJP § 3–8A–15(b). Then, "the official who authorized detention [or] community detention . . . shall immediately file" with the juvenile court a petition to authorize continued detention or community detention. § 3–8A–15(d)(1). The juvenile court is required to hear and rule on this "petition" by the next court day, unless there is a good cause shown otherwise. CJP § 3–8A–15(d)(2). Thus, when read as a whole, CJP § 3–8A–15 provides that the 30-day window for juveniles detained or on community detention shall run from the time that the juvenile court heard (and ruled) on a petition to authorize such detention—which occurs "no[ ] later than the next court day" after the juvenile's initial placement into custody.

Although there is no written petition for detention or community detention in the record, neither party disputes that J.C. was placed in community detention immediately following the hearing on February 5, 2024. Accordingly, J.C.'s adjudication hearing should have occurred "no later than" March 6, 2024, marking 30 days after the February 5, 2024 detention hearing.

Dismissal as an Abuse of Discretion

The State argues that, even if the adjudication hearing exceeded the deadlines under the Maryland Rules and the Juvenile Causes Act, the juvenile court still abused its discretion by failing to rule on the State's postponement request before dismissing delinquency petitions. To postpone an adjudicatory hearing beyond the 30-day window under Rule 11–421, the State must demonstrate an "extraordinary cause." Md. Rule 11–421(b)(6). Extraordinary cause is a "fact-based determination made on a case by case basis." *Ryan S*, 369 Md. at 43. It is "beyond what is ordinary, usual or commonplace[,]" and "exceeds the common order or rule and is not regular or of the customary kind." *Id.* (quoting *State v. Hicks*, 285 Md. 310, 319 (1979)). The Supreme Court of Maryland explained:

> The extraordinary cause standard in Rule [11–421] was chosen intentionally and with purpose. . . . The petitioner and other juveniles in his position have a right to have timely and continuous adjudication so that a determination can be made, as quickly as possible, as to whether the juvenile is involved or not involved in the alleged delinquent act. This right is of the highest priority because of the explicit guarantee in [Rule 11–421], and in order to ensure that juveniles are given the benefit of all the rehabilitation and treatment options available.

Id. at 43, 48-49.

At the March 19, 2024 adjudicatory hearing, the State explained that its postponement request was due to unavailability of a key witness, a police officer, who was attending a training in Baltimore. If the juvenile court had determined that this ground was not sufficiently "extraordinary" to postpone the adjudicatory hearing beyond the 30-day window, we would not consider that to be an abuse of discretion. *See* Maryland Rules

Committee Notes, Domestic and Juvenile Subcommittee (October 16 and October 17, 1981) ("[f]or the purposes of [Rule 11–421], the general congestion of the court's calendar or failure to obtain available witnesses on the part of the petitioner shall not constitute good cause."); *see also Ryan S.*, 369 Md. at 43-44 (explaining that Rules Committee intended "extraordinary cause" as a standard higher than "good cause"). We conclude, however, that the juvenile court abused its discretion by *dismissing* the delinquency petitions *sua sponte* for "want of prosecution" without offering further explanation or rationale.

Under Maryland Rules, the mandatory relief for a delayed adjudication hearing under CJP § 3–8A–15(d)(6)(i) is not dismissal, but release from detention. *See* Md. Rule 11–406(e)(1)(B) ("[i]f the time requirements of [CJP] §3–8A–15 . . . are not met, the court shall release the child from detention or community detention[.]"). "In fact, . . . because of the Legislature's particular interests in rehabilitating juveniles to ensure that they become productive members of society[,]" appellate courts have held that "mandatory dismissal is an inappropriate sanction for *all* [Rule 11–421] violations." *Ryan S.*, 369 Md. at 49. To be sure, "[t]hat we declared *mandatory* dismissal to be inappropriate . . . does not mean that dismissal, itself, is inappropriate in all circumstances." *Id.* at 50. Nonetheless, "only the most extraordinary and egregious circumstances should be allowed to dictate dismissal as the sanction for th[e] violation of a procedural rule." *In re Timothy C.*, 376 Md. 414, 434 (2003) (quoting *In re Keith W.*, 310 Md. 99, 109 (1987)).

Based on the record, we are not convinced that the State's failure to bring a witness at the adjudicatory hearing constituted such an egregious circumstance. In *In re Caitlin N.*,

192 Md. App. 251, 270 (2010), the juvenile appellant argued that the delinquency petition should have been dismissed because the adjudicatory hearing had been conducted six days beyond the deadline. Although we disagreed with appellant's contention that the adjudicatory hearing was held beyond the deadline, we instructed that, even if it were, dismissal was not warranted, noting:

> We view appellant's claim as elevating form over substance, because there clearly was no inordinate delay in this case. Further, accepting appellant's argument that the adjudicatory hearing should have been held six days earlier does little to advance the underlying purpose of treating and rehabilitating juveniles alleged to be involved in the commission of a delinquent act.

Id.

The Supreme Court of Maryland, after examining Maryland law and precedents from other jurisdictions, also observed that: "Either directly or indirectly . . . most of the cases indicate that absent evidence of willfulness, other contumacy, a history of dilatoriness, prejudice to the opposing side, or similar circumstances, dismissal is too harsh a sanction." *In re Darryl D.*, 308 Md. 475, 483 (1987). Because nothing in the record suggests that the juvenile court considered any relevant circumstances or factors before dismissing the petitions against J.C. "for want of prosecution," we conclude that the court abused its discretion. *See Cagle*, 462 Md. at 75 (finding an abuse of discretion when the court failed "to consider the relevant circumstances and factors of a specific case").

To argue otherwise, J.C. offers *In re Ryan S.*, *supra*, 369 Md. 26 (2002), a case in which the Supreme Court of Maryland found dismissal appropriate for the juvenile court's failure to comply with Rule 11–421 (then Rule 11–114). In *Ryan S.*, the juvenile court

timely commenced a multi-day adjudicatory hearing while the juvenile was detained, but then continued the hearing for more than three months, refusing to release the juvenile or move the hearing to an earlier date. *Id.* at 31-32. When the juvenile's counsel raised concerns with the length of his detention, the juvenile court suggested filing "a motion to advance, because it would involve a re-shuffling of . . . the [c]ourt's calendar[.]" *Id.* at 38. After the juvenile filed a petition for a writ of habeas corpus with the Circuit Court for Montgomery County, the circuit court directed the juvenile court to release the child and reschedule the adjudicatory hearing. *Id.* at 32. The juvenile court still refused, however, to reschedule the hearing to an earlier date. *Id.*

On appeal, the Supreme Court of Maryland held that the juvenile court's "deliberate policy of fragmenting a case through the device of long and repeated postponements" warranted dismissal. *Id.* at 48 n.16. The Court observed that, even years prior to *Ryan S.*, appellate courts had pointed out the juvenile court's "chronic problem"—which was the practice of starting hearings to technically comply with the timing requirements only to continue "to dates far beyond that which was envisioned by [the Rule.]" *Id.* at 45 (citing *In re Vanessa C.*, 104 Md. App. 452, 459 (1995)). The Court also noted that even though the juvenile "clearly made his objection to the untimeliness of the adjudicatory hearings known to the court[,]" the juvenile court still "seemed unimpressed with respect to compliance with [the timing requirements,]" stating, "There's no point in my trying to do it." *Id.* at 40.

As such, we find *Ryan S.* distinguishable from the instant appeal, and therefore, not

controlling. At the February 5, 2024 detention hearing, two events took place: placement of J.C. on community detention and scheduling of a "[m]erits" hearing for March 19. Although the failure to set an adjudicatory hearing within 30 days while J.C. remained on community detention was a clear violation of CJP § 3–8A–15(d)(6)(i) and Rule 11–421, nothing in the record indicates that there was any objection to the scheduling of the adjudicatory hearing, or, after March 5, to the continued detention of J.C. prior to the adjudicatory hearing. *See In re Ryan S.*, 369 Md. at 42 (noting that the juvenile's "objections to the scheduling of the adjudicatory hearing were clear and apparent"). Following the February 5 detention hearing, there were three additional hearings—two detention review hearings and one adjudicatory hearing—but the potential violation of the 30-day requirement was never raised. Nor was there any instance of "long and repeated postponements" or indication that the State's failure to bring its key witness at the adjudicatory hearing was "deliberate." *Id.* at 48 n.16; *see Darryl D.*, 308 Md. at 483-85 (noting that dismissal is generally inappropriate "absent evidence of willfulness, other contumacy, a history of dilatoriness, prejudice to the opposing side, or similar circumstances[.]").

J.C. also emphasizes the mandatory nature of Rule 11–421 and CJP § 3–8A–15, contending that "where the legislature used the term 'shall,' . . . dismissal [is] appropriate where the statute [is] violated[.]" We disagree. "[A] statute or rule may be mandatory and yet not require dismissal as a sanction for failure to comply with its provisions." *Gaetano*, 310 Md. at 125. It is particularly so in the context of the Juvenile Causes Act, whose

rehabilitative goal "is not ordinarily best served by dismissal of the proceedings[.]" *Keith G.*, 328 Md. at 545. Thus, juvenile courts are required to "examine the 'totality of circumstances,'" before ordering dismissal as a sanction. *Id.* (quoting *Keith W.*, 310 Md. at 109); *see also Ryan S.*, 369 Md. at 50 (noting that "the juvenile court . . . failed to consider the totality of the circumstances in rendering its decision on the motion to dismiss"). Nothing in the record suggests that the juvenile court below did so.

Here, the juvenile court would have acted well within its discretion to deny the State's postponement request. As the State points out, the State may have been able to proceed without their key witness, and may even, in light of the court's ruling, have compelled their key witness to travel from Baltimore just in time to testify. Instead, despite the Supreme Court's instruction that dismissal is not a proper sanction for violation of procedural requirements "absent 'extraordinary and egregious circumstances,'" *Keith G.*, 325 Md. at 545, the juvenile court, *sua sponte*, dismissed the petitions for "want of prosecution" without offering further explanation or rationale.

For the foregoing reasons, we reverse the juvenile court's decision to dismiss the delinquency petitions involving J.C. and remand the cases to the juvenile court for further proceedings.

JUDGMENTS OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY REVERSED; CASE NOS. C-16-JV-23-000856; C-16-JV-24-000004; AND C-16-JV-24-000014 REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION; COSTS TO BE PAID BY APPELLEE.