

Circuit Court for Harford County
Case No. C-12-CV-21-000413

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 483

September Term, 2024

GARY T. SADOWSKI

v.

MARTIN J. SADOWSKI

Berger,
Tang,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: July 23, 2025

* This is an unreported opinion. This 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 the Circuit Court for Harford County, Gary Sadowski (“Gary”), appellant, filed an action for conversion and detinue against his older brother, Martin Sadowski (“Martin”), appellee, arising from the alleged theft of firearms and other property owned by Gary.¹ The case was tried to a jury, which returned a verdict in favor of Martin. In this appeal, Gary argues that he was denied the opportunity to present evidence of Martin’s motive, that he was forced to represent himself at the trial, and that the evidence supported his claims. For the following reasons, we affirm the judgment.

BACKGROUND

Beginning around 2012, Martin leased a warehouse on Pier 13 in Canton for the Sadowski Towing Company (“STC”), a family tugboat business he ran with the parties’ father, James Sadowski, who died in April 2018. Gary stored property in the warehouse and paid Martin \$250 a month towards the rent.

Martin and Gary had a falling out when their father died, arising from disagreements over the funeral arrangements and the management of their father’s estate. Three months later, in July 2018, Gary contacted the police to report a theft of his property from the warehouse they shared. He later reported a second theft from the warehouse. The police investigated, but elected not to charge anyone.

¹ Because the parties share the same last name, as do other witnesses, we will refer to them by their first names. We mean no disrespect by these appellations.

In July 2021, Gary filed a complaint, which he later amended, against Martin asserting claims for conversion and detinue, and seeking compensatory damages, punitive damages, and reasonable attorneys’ fees.² He attached to his complaint two exhibits: 1) a list of 55 firearms alleged to have been taken from the warehouse and their alleged values; and 2) a list of 47 other items of personal property alleged to have been taken from the warehouse and their alleged values.

The case was tried to a jury over three days in April 2024. In his case, Gary testified, and called two witnesses: his friend, Alexander Zdravkovich (“Sasha”), and Martin’s son, Gregory Sadowski (“Gregory”). In Martin’s case, he testified and called his wife, Diana Sadowski (“Diana”). We summarize the pertinent evidence adduced at the three-day jury trial in the light most favorable to Martin, the prevailing party.

On Friday, July 13, 2018, Gary visited the warehouse with Sasha to pick up tools to use the following day. The next day, Martin stopped at the warehouse on his way home from a family vacation in Ocean City, Maryland, to pick up two scuba tanks that he needed refill and to wash his car.

On Sunday, July 15, 2018, Gary and Sasha returned to the warehouse. The door to the warehouse was unlocked, the bottom drawers of Gary’s toolbox had been pried open, and approximately 60 firearms stored by in a large safe in Gary’s office were missing.

² Gary was represented by counsel when he filed this action. His attorney moved to withdraw in March 2023 and Gary did not retain new counsel thereafter. He represented himself at trial and continues to represent himself in this appeal.

Gary called 911 and an officer from the Baltimore City Police Department (“BPD”) responded to the warehouse. He also called Martin, who drove to the warehouse with Diana.

The next day, a BPD detective and an agent with the federal Bureau of Alcohol, Tobacco and Firearms (“ATF”) met with Gary at the warehouse. Sometime thereafter, Martin spoke to the BPD detective and informed her that he thought his brother was attempting to frame him for the theft.

On or about July 31, 2018, Gary and Martin each were interviewed by an ATF agent and the BPD detective. According to Gary, in August 2018, he returned to the warehouse and discovered that diving equipment he stored there was missing. He again contacted the BPD, and a second theft report was taken. On a subsequent date, he discovered that additional personal property was missing from the warehouse.

Gary testified that he purchased most of the firearms that were stolen at an auction house in Pennsylvania that he frequented. He purchased guns of historical significance as collector’s items. He did not have receipts for the purchases as none were provided by the auction house. He did not have any photographs of the stolen firearms and no one except him ever had seen them. He introduced into evidence a photograph of the interior of his gun safe after the theft depicting a few remaining guns and some ammunition.

Gary introduced into evidence the same stolen property lists attached as exhibits to the complaint and testified about how he arrived at the valuations. He also introduced into evidence a “Firearm Acquisition and Disposition Record” where he logged his

firearm purchases and the disposition of the firearms. He explained that he was obligated to do so under the terms of his federal firearms license for curio and relics, issued by the ATF. He acquired that license around 2015. No criminal charges ever were filed in relation to the alleged thefts.

Defense counsel made a motion for judgment at the close of Gary's case and renewed it at the close of all the evidence. Both were denied. The jury deliberated for less than two hours before rendering a verdict in favor of Martin on both counts. On April 11, 2024, consistent with that verdict, the circuit court entered judgment in favor of Martin. Gary noted this timely appeal.

DISCUSSION

We distill from Gary's informal brief the following three contentions of error. First, he contends that he was denied the opportunity to present Martin's motive for stealing his guns. Second, he contends that he was forced to represent himself because his attorney withdrew from the case under false pretenses. Third, he contends that the evidence supported his claims against Martin and that the defense witnesses lied in their testimony. We address each argument in turn.

A. The trial court did not err in allowing the appellant to present evidence of Martin's alleged motive for stealing his guns.

At trial, Gary identified two motives for Martin to steal his property: 1) a dispute over whether his late father wished to have a funeral; and 2) a dispute over the distribution of a "Transfer on Death" ("TOD") account. His appellate contention relates to the TOD account. He claims he was denied the opportunity to present evidence that

Martin improperly changed the beneficiary on their father’s account to his adult daughter, instead of Gary and another sibling.

During Gary’s opening statement, the court permitted Gary to tell the jurors that they would hear evidence that Martin asked him to sign papers authorizing the distribution of funds from the TOD account to Martin and his children, but that Gary refused.

During Gary’s direct testimony at trial, he began to testify about a civil suit related to the TOD account, stating that Martin had been “found guilty of Gross Negligence” Defense counsel objected, and the court heard argument about the relevance of the lawsuit at a bench conference. The court ruled that Gary could testify about his dispute with Martin over the TOD account but could not testify or introduce evidence about findings made in another court case.

Gary questioned Gregory (Martin’s son) about text messages they exchanged on July 7, 2018, in which Gregory asked Gary why he and his sister had not signed the papers authorizing the distribution from the TOD account. In his closing argument, Gary argued that Martin stole his guns and other property because Gary refused to sign the papers authorizing the TOD distribution.

It is plain from the record that the court did not preclude Gary from presenting evidence of Martin’s alleged motive for the theft of the guns and other property. The court acted within its broad discretion to limit the presentation of evidence that was likely to cause confusion of the issues. *See* Md. Rule 5-403 (“Although relevant, evidence may

be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.”). We, therefore, perceive no error.

B. The appellant’s claim that he was “forced” to represent himself is not cognizable and not a basis to reverse the judgment.

Gary contends that he was “forced” to represent himself at trial because his attorney withdrew from the case under false pretense. With certain limited exceptions not applicable here, there is no right to the effective assistance of counsel in civil cases. *See, e.g., Abrishamian v. Wash. Med. Grp., P.C.*, 216 Md. App. 386, 407 (2014) (pointing out that, unlike a criminal defendant, a party in a civil case “enjoys no such constitutional right to counsel”). Because Gary had no constitutional or statutory right to effective assistance of counsel from the attorney he hired to assist him in this case, his argument that his counsel improperly withdrew from this case is not a basis upon which to reverse the judgment.

C. The trial court did not err in submitting the case to the finder of fact for the jury’s determination of the dispute between the parties.

Gary devotes most of his brief to revisiting the evidence that he argues supported his claims against Martin and arguing that certain witnesses lied. This is not a basis upon which we can grant appellate relief.

“In a jury trial, ‘when the facts and circumstances only permit one inference with regard to the issue presented, [] the issue is one of law for the court and not one of fact

for the jury.” *Est. of Blair by Blair v. Austin*, 469 Md. 1, 17 (2020) (quoting *Nat’l Union Fire Ins. Co. of Pittsburgh v. The Fund for Animals, Inc.*, 451 Md. 431, 457 (2017)). Here, by denying defense counsel’s motions for judgment made at the close of Gary’s case and at the close of all the evidence, the court determined that the evidence was susceptible of multiple inferences and should be submitted to the jury for decision.³ Having done so, it became the sole province of the jury to weigh the evidence and find facts. It is well established that “[n]either the trial court nor this Court is permitted to substitute its evaluation of [the] evidence for that of the jury. . . . To do so would be an invasion of the jury’s province[.]” *Dennard v. Green*, 335 Md. 305, 321 (1994) (quoting *Thodos v. Bland*, 75 Md. App. 700, 714 (1988)). Consequently, “an appellate court has ‘no power to review the finding of the jury upon matters of fact,’” *Est. of Blair*, 469 Md. at 18 (quoting *Johnson v. Johnson*, 105 Md. 81, 84 (1907)), including the credibility of witnesses.

For these reasons, we affirm the jury’s verdicts below.

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

³ Gary did not move for judgment at trial. Consequently, to the extent that he argues on appeal that he was entitled to judgment as a matter of law, this issue is waived.