

Circuit Court for Baltimore County  
Case Nos. 03-K-18-3916; 03-K-18-4794

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 710

September Term, 2023

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IN RE: EXPUNGEMENT PETITION OF  
FRANCIS A.

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Berger,  
Ripken,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Berger, J.

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Filed: September 13, 2023

\*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).

The narrow issue before us in this expedited appeal is whether the circuit court erred and/or abused its discretion when determining that good cause existed to open, review, and disclose information contained in appellant Francis A.’s expunged criminal records pursuant to Md. Code (2001, 2018 Repl. Vol.), § 10-108(b) of the Criminal Procedure Article (“CP”). For the reasons explained herein, we shall affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

The parties submitted the following Agreed Statement of the Case pursuant to Md. Rule 8-207(b)(2):

Appellees, Petitioners below, are two women who have sued Appellant in the United States District Court for the District of Maryland for torts based on alleged sexual and violent assaults. On February 1, 2023, they filed a Petition to Allow Inspection of Expunged Records (the “Petition”) with the Circuit Court for Baltimore County in connection with the captioned state court criminal matters, which concerned the same conduct. Appellant opposed the petition. The Circuit Court heard argument on April 5, 2023 and granted Appellees’ requested relief by order dated April 12, 2023. Additionally, by order dated May 9, 2023, the Circuit Court “amended” or “clarified” its April 12, 2023 order. By order dated May 30, 2023, the Circuit Court stayed enforcement of the April 12th and May 9th orders pending this appeal. At issue here is whether Appellees showed “good cause” for opening the expunged records. This appears to be an issue of first impression, and Appellees believe that determination of the appropriate standard of review will be key to the resolution of this appeal.

These are the relevant underlying facts. One of the Petitioners, Sairee Wright (“Sairee”), was romantically involved with Appellant. Sairee allegedly confronted Appellant with information that he had sexually assaulted Sairee’s younger sister, Haydee Wright (“Haydee”). During the evening of August 10, 2018, when Sairee and Appellant were otherwise alone, Sairee sustained multiple skull fractures; she fell into a

coma, required years of recuperation and rehabilitation, and now has no memory of what happened to her that night.

The Baltimore County State’s Attorney pursued criminal charges against Appellant. Case No. 03-K-18-3916 (“No. 3916”) charged conduct related to Sairee, and Case No. 03-K-18-4794 (“No. 4794”) charged conduct related to Haydee. The State nolle prossed each of the three charges at issue in No. 4794. No. 3916 proceeded to trial on three counts, two of which were nolle prossed at the start, and Appellant was found not guilty on the remaining count. Appellant’s requests to expunge as to both cases were granted on December 23, 2019 (No. 4794) and June 4, 2020 (No. 3916). Through requests for production issued in the federal suit, Appellees sought access to the arrest and incident reports, search warrants, affidavits, forensic reports, witness statements, and other materials contained in police, State’s Attorney, and court records in connection with Nos. 3916 and 4794. Appellant objected on the basis that such information had been expunged and could not be produced absent court order. Appellees thereafter filed the required petition under MD. CODE ANN., CRIM PRO. §10-108 for the sole purpose of obtaining and using this information in connection with the federal suit, which has a robust confidentiality order in place. The federal suit has been stayed pending resolution of the instant dispute.

The Circuit Court held that Appellees demonstrated good cause based on the overlapping legal and factual issues in the criminal and civil cases, as well as the limited availability of discoverable information from other sources. Appellant disagrees that good cause was shown and submits that *de novo* review of the Court’s interpretation of the statutory “good cause” requirement will be required by this Court. Appellees submit that the appropriate standard is abuse of discretion, as “good cause” is a well-defined standard that situates determinations within the discretion of the trial court. Even applying a *de novo* standard, however, Appellees submit that the Circuit Court correctly determined that good cause for permitting access to the records existed based upon the facts before it.

The parties propose to supplement this statement and the rulings on appeal with a copy of the transcript of argument to the Circuit Court.

Additional facts presented at the April 4, 2023 hearing before the circuit court shall be set forth as necessitated by our consideration of the issue on appeal.

### DISCUSSION

Appellant Mr. A. contends that the circuit court erred by granting the Appellees' request to inspect the expunged records at issue because the circuit court did not precisely define the good cause standard for disclosure of expunged records. Mr. A. further contends that the Appellees did not establish good cause for the circuit court to permit access to the expunged records. We are not persuaded.

Mr. A. asserts that because the express definition of “good cause” under CP § 10-108(b) has not been articulated by a Maryland appellate court previously, this Court should review the circuit court’s failure to precisely define the good cause standard applying a *de novo* standard of review. Mr. A. contends that the circuit court committed legal error because it did not expressly define the good cause standard prior to determining that the Appellees had established good cause to examine the expunged records at issue.

First, we observe that it is not unusual for a statute to provide for a “good cause” finding without precisely articulating what constitutes “good cause.” We have explained:

In other circumstances where the phrase “good cause” is not defined in a statute, the [Supreme Court of Maryland] has concluded that the “[p]hrase good cause depends upon [the] circumstances of [the] individual case,” and a finding of its existence is vested in the discretion of the “court to which [the] decision is committed.” *State v. Toney*, 315 Md. 122, 132, 553

A.2d 696 (1989) (quoting *Black's Law Dictionary* 623 (5th ed. 1979)). It is “a relative and highly abstract term,” and the meaning of “good cause” is determined by the text of the statute, the “context of [the] action,” and the “procedures involved in [the] type of case presented.” *In re Robert G.*, 296 Md. 175, 179, 461 A.2d 1 (1983) (quoting *Black's Law Dictionary* 623 (5th ed. 1979)).

*Caldwell v. Sutton*, 256 Md. App. 230, 273 (2022).

Indeed, we have expressly commented on the flexible nature of a good cause finding, explaining that “[w]hen ‘good cause’ is used as an undefined term in a statute, it is a ‘flexible term’ that is ‘not amenable to general rules or rigid formulas. Instead, its meaning must be deduced from the facts of each case in a manner that is consistent with the [statute’s] fundamental purpose.’” *Id.* (quoting *Meek v. Linton*, 245 Md. App. 689, 721 (2020) (additional quotation and citation omitted)). The “definition [of good cause] is flexible, and in making its determination, the court should consider the facts and circumstances of each case.” *Id.*; *see also Meek, supra*, 245 Md. App. at 750 (explaining that the “definition [of good cause] is a flexible one, and its application will vary with the facts and circumstances of the individual case”); *Toney, supra*, 315 Md. at 132 (1989) (“Thus far, we have not provided a rigid definition of the term “good cause” as used in [Maryland Code (1957, 1987 Repl. Vol.) Art. 27] § 591 and Rule 4-271. Rather, we have indicated that a determination of what constitutes good cause is dependent upon the facts and circumstances of each case as the administrative judge, in the exercise of his discretion, finds them to be.”). We review the circuit court’s good cause finding for an abuse of discretion.) *Id.*

Mr. A. correctly observes that a good cause determination must be considered in the context of the statute implicated. He emphasizes that the purpose of the expungement statute is “to prevent a person from unfairly suffering the social and professional stigma of a criminal charge that did not result in a conviction.” *Reid v. State*, 239 Md. App. 1, 14 (2019) (citing *Robert B. v. State*, 193 Md. App. 620, 637 (2010)). He contends that the Appellees’ requested use of the expunged records is inconsistent with the purpose of the expungement statute. The Appellees emphasize the term “unfairly” in the above-quoted language -- the purpose of the statute is not to protect a person from experiencing any and all social and professional stigma, but to prevent *unfair* social and professional stigma.

The Appellees explained that they sought access to the expunged records because the facts and issues in Mr. A.’s criminal case overlap with those at issue in the Appellees’ federal civil case. Furthermore, any information obtained from Mr. A.’s expunged records would be subject to a confidentiality agreement negotiated between the parties, and Mr. A.’s records would remain hidden from the general public. Mr. A. asserts that the Appellees have not exhausted other forms of discovery in the civil case, but the Appellees aptly observe that Sairee, who has no independent memory of her attack, would be unable to intuit the names of witnesses or direct federal subpoenas to persons or agencies who conceivably might have relevant knowledge. Sairee’s lack of memory of her assault is not disputed by Mr. A., nor does Mr. A. dispute that he and Sairee were otherwise alone at the time Sairee’s injuries occurred. Notably, in the Agreed Statement of the Case submitted by the parties, both parties agreed that “[d]uring the evening of August 10, 2018, when

Sairee and Appellant were otherwise alone, Sairee sustained multiple skull fractures; she fell into a coma, required years of recuperation and rehabilitation, and now has no memory of what happened to her that night.”

The circuit court considered all of the above when determining that the Appellees had established good cause to review information contained in Mr. A.’s expunged criminal records in connection with their civil case based on the same underlying event. In exercising his discretion when making the good cause determination, the circuit court judge considered the unique facts and circumstances of this particular case. This decision was neither “well removed from any center mark” nor “beyond the fringe of what [this] [C]ourt deems minimally acceptable.” *State v. Matthews*, 479 Md. 278, 305 (2022) (internal quotation and citation omitted); *see also Williams v. State*, 457 Md. 551, 563 (2018) (“An abuse of discretion occurs where no reasonable person would take the view adopted by the circuit court.”); *Jenkins v. State*, 375 Md. 284, 295-96 (2003) (“Abuse occurs when a trial judge exercises discretion in an arbitrary or capricious manner or when he or she acts beyond the letter or reason of the law.”). Accordingly, perceiving no abuse of discretion, we affirm.

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