Circuit Court for Anne Arundel County
Case No. C-02-CR-24-000631

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 917

September Term, 2024

JAMES MATTHEW RUPRECHT

v.

STATE OF MARYLAND

Nazarian,
Arthur,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 18, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Anne Arundel County, at which he represented himself, James Matthew Ruprecht, appellant, was convicted of seven counts of violating a peace order and one count of electronic mail harassment. He raises three issues on appeal: (1) whether the court violated Maryland Rule 4-215 after it granted defense counsel's motion to withdraw, (2) whether the court erred in denying his pre-trial motion to dismiss the criminal information, and (3) whether the court abused its discretion in denying his motion to postpone the trial date. The State concedes that the court did not fully comply with Rule 4-215 and therefore, that reversal is required. Although we are not persuaded that the court erred in denying appellant's motion to dismiss, we agree that the court violated Rule 4-215. Therefore, we shall reverse the judgments of the circuit court. We do not address appellant's third contention because our reversal of his convictions renders that issue moot.

Appellant was charged via an information filed in the District Court. Thereafter, private counsel entered his appearance and prayed a jury trial. Appellant never appeared before a judicial official in the District Court. The case was transmitted to the circuit court on April 23, 2024. The next day defense counsel sent appellant a notice of his intent to withdraw from the case. Defense counsel then filed a motion to strike his appearance with the court on May 14, 2024. The court granted the motion to strike counsel's appearance on May 21, 2024, without a hearing.

Three days later, appellant appeared before a judge for the first time, notably without counsel. At that hearing, the court informed appellant that he had the right to an attorney, that he could "hire [his] own private counsel, or [] seek the assistance of the Public

Defender[,]" and that if he failed to do so by his trial date on June 26, 2024, he could be deemed to have "waived [his] right to the benefit of counsel." The court did not, however, discuss the charges with appellant, other than to ask the State whether it had offered him a plea agreement.

On appeal, appellant asserts that the trial court did not comply with Rule 4-215(a) because it failed to make certain that he had received a copy of the charging document; failed to inform him of the importance of assistance of counsel; failed to inform him of the nature of the charges and possible penalties he faced; and failed to determine whether he had appeared before a judicial officer for an initial appearance or hearing pursuant to Rule 4-216. The State concedes that the court erred by failing to inform appellant of the nature of the charges and possible penalties he faced for each offense. We need not address every contention raised by appellant because we agree that, at a minimum, the court erred in failing to properly advise appellant in this regard.

Maryland Rule 4-214(d) provides that if the court grants a motion to withdraw the appearance of counsel and the defendant is not represented, it shall schedule and conduct "proceedings pursuant to Rule 4-215." In turn, Maryland Rule 4-215(a) states, that at the "defendant's first appearance in court without counsel," the court must ensure that, among other things, the defendant is advised of "the nature of the charges in the charging document, and the allowable penalties, including mandatory penalties, if any." This was clearly not done in this case. Nor is there any indication in the record that the court advised appellant of this information at any other proceeding in the District Court or circuit court.

Our Supreme Court has stated that "the Maryland Rules are precise rubrics" and that "the mandates of Rule 4-215 require strict compliance." *Pinkney v. State*, 427 Md. 77, 87 (2012). "Thus, a trial court's departure from the requirements of Rule 4-215 constitutes reversible error." *Id.* at 88. Because the court failed to comply with Rule 4-215 in this case, reversal is therefore required.

Although we are reversing appellant's convictions, we shall also address his contention that the court erred in not granting his motion to dismiss the indictment against him. Relevant to this appeal, appellant claimed in that motion that the indictment should be dismissed because: (1) the State had not provided him with discovery until May 24, 2024, more than six months after his defense counsel had entered an appearance in the District Court; and (2) the final protective order he was alleged to have violated "was never served [on him] by the state of Maryland in discovery provided."

The court held a hearing on the motion to dismiss on the morning of trial. At that hearing, appellant asserted that he had never received a copy of the final protective order. The court found, however, that he had been served with a copy of the temporary protective order while he was in custody at the Jennifer Road Detention Center, and that after he did not attend the hearing on the final protective order, the court had served him with a copy of that order by mailing it to his last known address. Although the court indicated that it did not believe the protective order needed to be provided in discovery, the State

nevertheless provided appellant with a copy of the final protective order by leaving a copy of it on the defense table in open court.[1]

Turning to the alleged discovery violations, the court then asked the State why it should not dismiss the case because of its failure to timely provide discovery to appellant. The State acknowledged that it had not provided appellant with discovery within 30 days, as required by Maryland Rule 4-263, but attributed it to the fact that a trial date had not been set until the case was transferred to the circuit court and, shortly after the case was transferred, defense counsel had withdrawn. The State further argued that dismissal was "not the appropriate remedy" because its failure to provide discovery was unintentional; the amount of discovery had not been voluminous, giving appellant adequate time to prepare; and appellant could have requested a postponement if he believed he needed additional time to review the discovery materials it had provided him at the May 24th hearing.

In response to questioning by the court, appellant acknowledged that he had reviewed all the discovery provided by the State. The court then informed appellant that it did not "condone the State's behavior" but that the "remedy that you have with regard to that is not a dismissal; it's a postponement." Appellant indicated that he would "like to ask for the postponement," and the court responded that he could request a postponement before the administrative judge based on the belated discovery disclosures. After the court

[1] Appellant initially indicated that he would not accept a copy of the order. It is unclear from the record whether he eventually decided to take it, but in any event, that would not alter our analysis of this issue.

denied the motion to dismiss, appellant appeared before the administrative judge, who denied his postponement request. Appellant's trial then proceeded the same day.

In claiming that the court erred in not granting his motion to dismiss the indictment, appellant first asserts that it failed to exercise its discretion to determine whether dismissal was an appropriate remedy because it "ruled that dismissal was not an available sanction for a discovery violation." In support of this contention, he relies solely on the court's statement during the hearing that his only remedy was "not a dismissal; it's a postponement." However, "judges are presumed to know the law and apply it correctly[.]" *Abdul-Maleek v. State*, 426 Md. 59, 74 (2012). Viewed in context, we are not persuaded that presumption has been overcome because, prior to making that statement, the court specifically asked the prosecutor why it should not dismiss the case based on the discovery violation. Thus, it appears that the court was only indicating to appellant that postponement was the only remedy it would consider under the circumstances, not that it believed dismissal was never an available sanction.

Appellant alternatively asserts that the court should have granted the motion to dismiss as it related to his charges for violating a peace order because the State could not demonstrate that he was properly served with a copy of the final protective order after it was entered. Specifically, he contends that the order was improperly served on him because it was mailed to his home address on file rather than to the Jennifer Road Detention Center, where he had been incarcerated just prior to the hearing on the final protective order. As an initial matter, although appellant generally asserted that he had not received a copy of the final protective order, he never argued in his motion to dismiss, or at the

hearing on that motion, that it had been mailed to the wrong address. Consequently, that issue is not preserved for appellate review. But, in any event, a motion to dismiss an indictment may only attack the sufficiency of the indictment or indictment procedure, "not the sufficiency of the evidence." *State v. Hallihan*, 224 Md. App. 590, 608 (2015) (cleaned up). Consequently, the court did not err in denying appellant's motion to dismiss the indictment.[2]

JUDGMENTS OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY REVERSED. COSTS TO BE PAID BY ANNE ARUNDEL COUNTY.

[2] Notably, appellant does not contend that the evidence at trial was insufficient to prove that he had notice of the final protective order.