

Circuit Court for Washington County
Case No.: C-21-CV-21-000147

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 946

September Term, 2022

STEVEN M. JOHNSON

v.

STATE OF MARYLAND

Kehoe,
Beachley,
Wright, Alexander, Jr.,
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 30, 2022

*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*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.

Steven M. Johnson, appellant, filed a petition for judicial review of a decision of the Inmate Grievance Office (IGO) in the Circuit Court for Baltimore City. Because venue was improper, the case was transferred to the Circuit Court for Washington County. The circuit court ultimately affirmed the IGO’s decision. The court then sent Johnson an invoice for \$407 of assessed costs in connection with the litigation. Johnson responded by letter alleging that the Circuit Courts for Baltimore City and Washington County had both previously waived the costs based on his indigent status. The circuit court—seemingly construing Johnson’s letter as a fee waiver request—issued an order denying the request. Johnson timely noted this appeal from that order.

We review the grant or denial of a fee waiver for abuse of discretion. *Davis v. Mills*, 129 Md. App. 675, 679 (2000). An unrepresented litigant who is unable by reason of poverty to pay a required fee may petition for an order waiving that cost. Md. Rule 1-325(e)(1). But the request must be accompanied by an affidavit concerning the party’s income, assets, and liabilities “substantially in the form approved by the State Court Administration, posted on the Judiciary website, and available in the Clerks’ offices[.]” Md. Rule 1-325(e)(1)(B). Here, contrary to Johnson’s assertions, the record does not contain a waiver request or an order from either circuit court waiving any fees. Further, Johnson’s letter to the circuit court—even if interpreted as a fee waiver request—was not

accompanied by the requisite affidavit. The circuit court, therefore, did not abuse its discretion in refusing to waive the fees.¹

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

¹ Additionally, the circuit court was not required to explain the basis for its denial because Johnson did not submit the proper documentation. *See Davis*, 129 Md. App. at 679–80.