

Circuit Court for Prince George's County
Case No.: C-16-CV-24-001512

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1364

September Term, 2024

NICHOLAS PARKER

v.

LAURA H. SCOTT, M.D.

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

JJ.

PER CURIAM

Filed: July 25, 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.

Nicholas Parker, appellant, appeals from the denial of his petition for writ of habeas corpus by the Circuit Court for Prince George’s County. The State agrees that the court erred. So do we, and, for the reasons below, we shall reverse the court’s judgment and remand for further proceedings.

BACKGROUND

Parker was charged with robbery with a dangerous weapon and related offenses. In May of 2010, he appeared in the circuit court for a trial and competency hearing. There was neither a jury present, nor any evidence presented. Instead, the court heard only the prosecutor’s proffer of a “set of facts” that the defense would “stipulate” were satisfactory to “prove the facts” had Parker gone to trial.

This arrangement was all part of an agreed-upon package in service of placing Parker at a Maryland Department of Health (“MDH”) facility. Even so, defense counsel asserted that “[i]t’s not a plea.” Yet Parker neither personally waived, nor exercised any of his trial rights.

After hearing the State’s proffer, the court stated that it “f[ound] that sufficient for the finding of robbery with a deadly weapon.” The court then found Parker not criminally responsible and committed him to MDH for evaluation and treatment.

Almost 14 years later, Parker petitioned for a writ of habeas corpus, arguing that his guilty plea and plea of not criminally responsible were not knowing and voluntary, and that his plea colloquy did not comply with Maryland Rule 4-242(c). He further claimed that his trial attorney rendered ineffective assistance of counsel and requested a hearing.

The circuit court denied the petition without a hearing. It reasoned that Parker was not entitled to relief because he “never entered into a guilty plea.” Parker moved for reconsideration and filed an amended petition, adding an alternative argument that, even if he did not enter a guilty plea, he did not knowingly and voluntarily waive his right to a jury trial. The court denied the motion and amended petition without a hearing, and this appeal followed.

STANDARD OF REVIEW

We review the denial of a petition for writ of habeas corpus on both the law and the evidence. *Sabisch v. Moyer*, 466 Md. 327, 349 (2019). “When the trial court’s decision involves an interpretation and application of Maryland statutory and case law, [we] must determine whether the trial court’s conclusions are legally correct.” *Id.* (cleaned up).

DISCUSSION

The circuit court here, relying on trial counsel’s statement, determined that Parker “never entered into a guilty plea,” and ceased its review of the record. But where “the totality of the circumstances” indicate that a hearing was a guilty plea, Maryland courts will treat it as one. *Sutton v. State*, 289 Md. 359, 366 (1981).

For example, in *Sutton*, a plea was “entered at the direction of the trial court” and the defendant “was aware that she would be placed on probation[.]” *Id.* In the Supreme Court’s view, “the proceeding was not in any sense a trial and offered no reasonable chance that there would be an acquittal.” *Id.* “Under these particular circumstances,” the Court reasoned, “the [defendant’s] plea was the functional equivalent of a guilty plea.” *Id.* As a result, “the requirements of [the Maryland Rules] are applicable.” *Id.* So too here.

At Parker’s scheduled trial, he effectively conceded guilt through counsel, apparently receiving the benefit of some understanding with the court. The hearing was, therefore, the “functional equivalent” of a guilty plea, and subject to the requirements of the Maryland Rules. *See id.* at 365–66. Among other protections at such a hearing, “an accused is entitled to a determination, affirmatively shown on the record, that the plea is voluntary and knowing.” *Id.* at 365. Parker was entitled to these protections and did not receive them.

Thus, because Parker’s hearing was the “functional equivalent” of a guilty plea,¹ we shall reverse the circuit court’s judgment and remand the case for that court to determine whether Parker’s plea was, in fact, knowing and voluntary. On remand, the “court may consider evidence outside the record of the guilty plea hearing, such as testimony from hearings subsequent to the plea hearing.” *Tate v. State*, 459 Md. 587, 608 (2018).²

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY REVERSED. CASE
REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT
WITH THIS OPINION. COSTS TO
BE PAID BY APPELLEE.**

¹ Even if the hearing was not the functional equivalent of a guilty plea, it still entailed a waiver of Parker’s right to a jury trial. We—and the State—agree with Parker that the record is wholly insufficient to conclude that his waiver of the right to a jury trial was knowing and voluntary. *See Walker v. State*, 406 Md. 369, 385 (2008). This independently requires reversal.

² Also pending before the Court is Parker’s “Motion for Summary Reversal and to Expedite Issuance of the Mandate.” Given our holding here, we shall deny as moot the request for summary reversal but grant the request to expedite the mandate. Upon entry of this Opinion, the Clerk shall issue the mandate forthwith.