

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1699

September Term, 2024

DWIGHT DOUGLAS LARCOMB

v.

STATE OF MARYLAND

Graeff,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 15, 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.

Dwight Douglas Larcomb, appellant, appeals from an order issued by the Circuit Court for Anne Arundel County, dismissing his complaint for defamation against the State of Maryland, appellee. He raises a single issue on appeal: whether the court erred in dismissing his complaint because, he claims, it sufficiently raised a cause of action for defamation. For the reasons that follow, we shall affirm.

In 2022, appellant was convicted of 17 counts of violating a protective order, one count of stalking, and one count of intimidating or influencing a juror. The court imposed consecutive 90-day sentences for each count of violating a protective order, a consecutive 5-year sentence for stalking, and a suspended 10-year sentence for intimidating a juror.

In 2023, appellant appeared before a hearing officer of the Maryland Parole Commission (the Commission) for his first parole hearing. Following that hearing, the hearing officer recommended permanently refusing appellant parole due to the nature and circumstances of his crimes and their impact on the victim. That recommendation was adopted by a parole commissioner. Appellant appealed that decision within the Commission. A two-commissioner panel reviewed the appeal and agreed that appellant was not a suitable candidate for parole at that time because he did not accept responsibility for his actions and could still pose a threat to the victim. They nevertheless determined that a permanent refusal of parole was not appropriate and determined that appellant should be considered for parole again in July 2025.

Appellant then filed a petition for writ of administrative mandamus in the circuit court. In response to that petition, David Blumberg, the Chairman of Commission, filed a verified response on behalf of the Commission pursuant to Maryland Rule 7-402(d), which

set forth information regarding appellant’s sentences, his conduct in the Division of Correction, and the reasons that the two parole commissioners determined that appellant was not suitable for parole. Relevant to this appeal, that response indicated that in February 2023, appellant had been “assign[ed] to administrative segregation . . . due to his threats to institutional staff[.]” The circuit court ultimately denied appellant’s request for relief. And we affirmed that decision on direct appeal. *See In the Matter of Dwight Larcomb*, No. 139, Sept. Term 2024 (filed March 31, 2025).

In December 2023, appellant filed a complaint for defamation, naming the State of Maryland as the defendant. Specifically, appellant claimed that the Commission’s response filed in his mandamus case was a “perverse demented act of malfeasance” to “deceive the circuit court” and that the statement indicating that he had threatened institutional staff was a “blatant unsubstantiated outright boldface lie meant to render an unjustly unfavorable opinion by an Honorable Circuit Court judge by deception.” As relief, appellant sought \$15,000,000.00 in damages. Appellee filed a motion to dismiss, or in the alternative for summary judgment, on the grounds that: (1) appellant had failed to exhaust his administrative remedies under the Prisoner Litigation Act, (2) the complaint failed to state a claim upon which relief could be granted, and (3) the complaint failed to “meet the statutory condition precedent established by the Tort Claims Act[.]” because appellant had not first filed his claim with the State Treasurer. The court granted the motion to dismiss without a hearing. This appeal followed.

On appeal, appellant contends that the court erred in granting the motion to dismiss because the documents provided by the State proved that he had “absolutely NO

Infractions” while in prison and had “NEVER been found guilty of threatening” a staff member. Appellee counters that, based on the undisputed record evidence, the statements made in the mandamus case were not defamatory. Although the State does not seek affirmance based on the other grounds raised in its motion to dismiss, it further contends that the complaint was properly dismissed for two additional reasons, specifically that (1) the statements made by Chairman Blumberg were protected by absolute privilege, and (2) it is not liable for the tortious acts of state personnel alleged to have been committed with malice or gross negligence.

We need not resolve whether the statements at issue were potentially defamatory because we agree with the State that appellant’s claim is barred by the judicial proceedings privilege.¹ The judicial proceedings privilege, also known as the litigation privilege, “immunizes a party for statements made in a judicial proceeding[.]” *O’Brien & Gere Eng’rs v. City of Salisbury*, 447 Md. 394, 398 (2016). For “the judicial process . . . to function effectively, those who participate must be able to do so without being hampered by the fear of private suits for defamation.” *Id.* at 409-10 (quotation marks and citation omitted). Accordingly, the judicial proceedings privilege protects judges, parties, witnesses, and attorneys from civil liability for statements made “in the institution of, or during the course and as a part of, a judicial proceeding in which [they] participate[.]” *Id.* at 411 n.10 (quotation marks and citation omitted).

¹ Although the trial court did not dismiss the complaint on that basis, “where the record in a case adequately demonstrates that the decision of the trial court was correct,” this Court can affirm “on a ground not relied upon by the trial court[.]” *Robeson v. State*, 285 Md. 498, 502 (1979).

Although this privilege originated from English decisions concerning “defamatory statements made in the courtroom during the course of the trial,” the scope of the privilege “extends . . . also to such statements published in documents which have been filed in a judicial proceeding.” *Normand v. Borison*, 418 Md. 630, 651 (2011) (quoting *Adams v. Peck*, 288 Md. 1, 3 (1980)). “This absolute privilege protects the person publishing the defamatory statement from liability even if his purpose or motive was malicious, he knew that the statement was false, or his conduct was otherwise unreasonable.” *Adams*, 288 Md. at 3.

Here, the allegedly defamatory statements made by Chairman Blumberg were made in a court filing on behalf of the Commission, who was a party to the mandamus proceeding. They were, therefore, absolutely protected by the judicial proceedings privilege. And because Chairman Blumberg was immune from liability, the court did not err in denying appellant’s motion to dismiss.

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