



1994

# Recent Developments: In re Victor B.: Juvenile Delinquency Adjudication Is a Civil Proceeding to Which Criminal Rules of Procedure Are Inapplicable

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## Recommended Citation

Daugherty, Timothy Sean (1994) "Recent Developments: In re Victor B.: Juvenile Delinquency Adjudication Is a Civil Proceeding to Which Criminal Rules of Procedure Are Inapplicable," *University of Baltimore Law Forum*: Vol. 25 : No. 2 , Article 20.  
Available at: <http://scholarworks.law.ubalt.edu/lf/vol25/iss2/20>

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*In Re Victor B.:*

**JUVENILE  
DELINQUENCY  
ADJUDICATION  
IS A CIVIL  
PROCEEDING  
TO WHICH  
CRIMINAL RULES  
OF PROCEDURE  
ARE INAPPLICABLE.**

The distinct and separate court system established to provide a simplified, informal setting in which to treat juvenile offenders was preserved by the Court of Appeals of Maryland in *In re Victor B.*, 336 Md. 85, 646 A.2d 1012 (1994). The court held that juvenile proceedings are civil in nature and are strictly governed by their own set of procedural rules contained in Chapter 900 of the Maryland Rules, and where silent, not subject to appendage from the criminal procedural rules from Title 4 of the Maryland Rules. In so ruling, the court vacated a finding of delinquency and remanded the case after the juvenile court had overruled appellant's objections to the admission of evidence, merely because the appellant had not filed a pre-adjudicatory motion to suppress as required in criminal proceedings by Maryland Rule 4-252.

On September 16, 1992, appellant, a juvenile, was observed by police placing a brown paper bag on a Baltimore City street. After a police search of the bag revealed a substantial amount of cocaine, police took appellant into custody. Later, the State filed a delinquency petition against the appellant alleging one count of possession of cocaine and one count of possession of cocaine with the intent to manufacture and distribute.

At an adjudicatory hearing before a Master for the Division for Juvenile Causes for the Circuit Court of Baltimore City, the appellant objected to

the introduction of evidence regarding the paper bag and its contents, claiming that the bag belonged to him and had not been abandoned. This objection was overruled by the Master, who reasoned that because Chapter 900 of the Maryland Rules was silent as to suppression of evidence in juvenile proceedings, rules of procedure regulating suppression of evidence in criminal trials were applicable to juvenile proceedings as gap-fillers. Therefore, the Master concluded that the appellant had waived the evidence admissibility issue by failing to make a pre-hearing motion to suppress as required by Maryland Rule 4-252.

Appellant was subsequently found delinquent on the count of possession with intent to manufacture and distribute. Despite the appellant's filing of a timely exception to the Master's recommendations, the circuit court refused to disturb the Master's findings. Upon appeal, the Court of Appeals of Maryland granted certiorari, prior to review by the court of special appeals, in order to consider appellant's contention.

On appeal, appellant argued that as Chapter 900 of the Maryland Rules of Procedure is the exclusive source for procedural rules in juvenile proceedings, it was error for the juvenile court to import Maryland Rule 4-252 into a delinquency adjudication. Appellant further asserted that criminal rules of procedure under Title 4 can never apply to juvenile proceedings

which are civil in nature. The State countered that the Master could only look to Title 4 for guidance due to the complete absence from Chapter 900 of any juvenile rules dealing with procedures for suppression.

The Court of Appeals of Maryland began its analysis by tracing the historical evolution of the juvenile justice system. It noted that the common law treatment of juveniles over the age of seven as adults had disappeared in light of the recognition that juveniles were better served by rehabilitation and protection rather than punishment by imprisonment. *In re Victor B.*, 336 Md. at 90, 646 A.2d at 1014. This change was carried out by jurisdictions, exercising their power of *parens patriae*, by creation of a separate court system for juvenile offenders in order to provide relaxed, non-adversarial adjudicatory hearings which are civil in nature and deemed more suitable for rehabilitative purposes than criminal trials. *Id.* Maryland established its separate juvenile court system through the enactment of the Juvenile Causes Act (Cts. & Jud. Proc. §§ 3-801 -837 (1989 Repl. Vol. & Supp. 1993)). *Id.* at 91, 646 A.2d 1014-15.

The court recognized that despite the intentions behind the formation of separate juvenile court systems, delinquency adjudications over the years often “took on . . . many of the attributes of junior varsity criminal trials . . . with increasingly penal overtones.” *Id.* at 92, 646 A.2d at 1015 (quot-

ing *In re Devon T.*, 85 Md. App. 674 at 682-84, 584 A.2d 1287 at 1291 (1991)). This trend led many courts, including the Supreme Court, to afford many of the constitutional safeguards guaranteed criminal defendants to juveniles charged with delinquency. *Id.* at 91-92, 646 A.2d at 1015. Despite these changes, the court of appeals stressed that Maryland case law, consistent with the purposes statement enunciated in section 3-802(a)(1-5) of the Juvenile Causes Act, in no way indicates that adjudications in Maryland’s juvenile court system have been transformed from civil to criminal in nature. *Id.* at 93-94, 646 A.2d at 1016.

After examining the background of the juvenile justice system, the court determined that the criminal rules of procedure under Title 4 of the Maryland Rules are inapplicable to juvenile proceedings. In reaching this holding, the court first noted that Maryland Rule 1-101, which outlines the applicability of the rules, states that Title 2 applies to all civil matters with the exception of juvenile proceedings whose procedure is regulated by Rules 901 through 922. *Id.* at 94-95, 646 A.2d at 1016. In addition, Rule 1-101 limits Title 4’s applicability to “criminal matters.” *Id.* Moreover, the court observed that Maryland Rule 4-101 dictates that “the rules in . . . Title [4] govern procedure in all criminal matters . . .” *Id.* at 95, 646 A.2d at 1016. Next, the court recognized that the plain mean-

ing of Rule 1-101, while solely excluding juvenile causes from Title 2’s civil rules, did not implicitly indicate that criminal rules under Title 4 could not be excluded from filling in gaps in Chapter 900’s coverage of juvenile procedural rules. *Id.* at 95, 646 A.2d at 1017.

Basing its conclusion on the clear and unambiguous language of Rule 1-101 and Rule 4-101, the court found that neither rule expressly provided that Title 4 applied to juvenile proceedings. *Id.* The court emphasized that because juvenile proceedings are not criminal, there was no reason for the legislature to expressly exclude juvenile proceedings from Title 4’s reach. *Id.* Conversely, because juvenile proceedings are civil in nature, the court stressed that it was essential for the legislature to expressly exclude juvenile proceedings from Title 2’s civil rules in order for Chapter 900 to solely control procedure in juvenile proceedings. *Id.* The court further noted that its decision was in harmony with courts from other jurisdictions which have in kind shielded their juvenile proceedings from the application of criminal procedural rules. *Id.* at 96, 646 A.2d at 1017.

In *Victor B.*, the court refused to allow further blurring of the delineations between the juvenile and criminal court systems by allowing criminal rules of procedure to have a bearing on delinquency adjudications. The court was justified in so holding for if often complex and

technical rules of criminal procedure were to be introduced to the juvenile court system, the purpose behind the creation of

the juvenile court system in providing a simplified, informal setting in which to better effectuate the rehabilitation and treat-

ment of juveniles would be circumvented and thwarted.

- Timothy Sean Daugherty

*Wadlow v. State:*

**PROSECUTION  
IS REQUIRED TO  
PROVE BEYOND A  
REASONABLE  
DOUBT SPECIFIC  
FACTORS  
NECESSARY FOR  
IMPOSITION  
OF ENHANCED  
SENTENCE.**

In *Wadlow v. State*, 335 Md. 122, 642 A.2d 213 (1994), the Court of Appeals of Maryland formally classified enhanced sentencing requirements as elements of offenses which must be alleged and proven beyond a reasonable doubt by the prosecution. The State cannot rely on the discretion of the trial court to conclude that the aggravating factors or quantity necessary to elevate a particular offense have been resolved. Following *Wadlow v. State*, such a conclusion may not be reached by the sentencing judge, but must be determined by the trier of fact.

Lauren Marie Wadlow was indicted by a Montgomery County Grand Jury for unlawful possession with intent to distribute (Count I), simple possession (Count II), and conspiracy to distribute cocaine (Count III). The charging documents alleged possession of a certain

quantity of cocaine sufficient to subject Wadlow to an enhanced statutory penalty for the possession with intent to distribute charge. At trial in the Circuit Court for Montgomery County, however, the jury had not been instructed to determine the exact quantity of cocaine that the Defendant had possessed for enhancement purposes. Nevertheless, the jury found Wadlow guilty of all three counts. At sentencing, the simple possession count was merged into possession with intent to distribute. Wadlow was then given a four year sentence for possession with intent to distribute and a consecutive one-year sentence for the conspiracy charge.

At the conclusion of the jury trial, the State filed a motion seeking to correct an illegal sentence, arguing that the quantity of cocaine seized mandated imposition of a five year, no