

IN THE COURT OF APPEALS OF MARYLAND

No. 34

September Term, 2011

ON MOTIONS

PAUL B. DEWOLFE, in his official capacity
as the Public Defender for the State of
Maryland, et al,

v.

STATE OF MARYLAND, et al.

Barbera, C.J.
Harrell
Battaglia
Greene
Adkins
*Bell
Eldridge, (Retired, Specially
Assigned),

JJ.

ORDER

Filed: November 6, 2013

*Bell, C.J., now retired, participated in the hearing and conference of this case while an active member of this Court; after being recalled pursuant to the Constitution, Article IV, Section 3A, he also participated in the decision and adoption of this order.

PAUL B. DEWOLFE, in his official	*	In the
capacity as the Public Defender for the	*	Court of Appeals
State of Maryland, et al.		
v.	*	of Maryland
	*	No. 34
QUINTON RICHMOND, et al.	*	September Term, 2011

O R D E R

WHEREAS, this Court filed an opinion and judgment in this case on January 4, 2012. Absent a timely petition for reconsideration, this Court's mandate would have issued on February 3, 2012, pursuant to Maryland Rule 8-606(b). Timely petitions for reconsideration of the January 4, 2012 decision were filed, along with motions to stay the Court's mandate. Consequently, on March 16, 2012, this Court stayed its mandate pending a decision on the petitions for reconsideration. Subsequently, memoranda were filed and oral argument was held on issues raised in the petitions for reconsideration, and

WHEREAS, this Court, on September 25, 2013, rendered an opinion and judgment on the motions for reconsideration. Therefore, the stay of mandate pending a decision on the petitions for reconsideration expired when that decision was rendered on September 25, 2013. This Court's mandate was issued on October 17, 2013, and

WHEREAS, the State of Maryland on October 23, 2013 filed in this Court a "MOTION TO RECALL MANDATE," stating that it "reasonably expected that the mandate would not issue before" the expiration of 30 days after the filing of the Court's September 25, 2013 opinion. Actually, as the above-recitation of the facts shows, the mandate had been stayed much longer than 30 days, and the stay of the mandate pending a decision on the motions for reconsideration

expired on September 25, 2013, and

WHEREAS, the State of Maryland on October 25, 2013 filed in this Court a “MOTION FOR RECONSIDERATION” of this Court’s September 25, 2013 decision re-arguing the merits of the September 25th decision. Also on October 25, 2013, the State of Maryland filed in this Court a “MOTION FOR STAY OF ENFORCEMENT OF THE JUDGMENT,” contending that, for various reasons, more time is needed for the State government to comply with this Court’s September 25, 2013 decision, it is this 6th day of November, 2013

ORDERED, by the Court of Appeals of Maryland, a majority of the Court concurring, that the State’s motions to recall the mandate, for reconsideration, and for stay of enforcement of the judgment be, and they are hereby denied. This Court’s September 25th decision only directed the Circuit Court for Baltimore City to enter a declaratory judgment in accordance with the Court’s opinion. No other form of relief was then involved. Under the Maryland Declaratory Judgments Act, a declaratory judgment simply “declare[s] rights, status, [or] other legal relations,” Maryland Code (1974, 2013 Repl. Vol.), § 3-403(a) of the Courts and Judicial Proceedings Article. The State of Maryland’s arguments concerning the time needed to comply with the declaratory judgment ordered by the Court’s September 25, 2013 decision, as well as any arguments by other parties, may be made in the Circuit Court if, and when, any party files in the Circuit Court an application for “Further relief based on [the] declaratory judgment,” § 3-412(a) of the Declaratory Judgments Act. *See, e.g., Nova v. Penske*, 405 Md. 435, 458-461, 952 A.2d 275, 289-291 (2008); *Bankers & Ship. Ins. v. Electro Enterprises*, 287 Md. 641, 652-653, 415 A.2d 278, 285 (1980).

/s/ Lynne A. Battaglia
Senior Judge
of the Majority Opinion