

Circuit Court for Prince George's County
Case No. JA-22-0183

Argued: September 8, 2023

IN THE SUPREME COURT

OF MARYLAND*

No. 3

September Term, 2023

IN RE: M.P.

Fader, C.J.
Watts
Hotten
Booth
Biran
Gould
Eaves,

JJ.

PER CURIAM ORDER

Filed: September 8, 2023

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

IN RE: M.P.

* **IN THE**
* **SUPREME COURT**
* **OF MARYLAND**
* **No. 3**
* **September Term, 2023**

PER CURIAM ORDER

Upon consideration of the opening brief of M.P., Petitioner, the motion to dismiss and brief of the State of Maryland, Respondent, the opposition to the motion to dismiss and reply brief of M.P., filed in the above-captioned case, and oral argument conducted on September 8, 2023, and having noted that M.P. was the subject of a juvenile delinquency petition in Case No. JA-22-0183 alleging that he committed motor vehicle theft and that he was 12 years old on the date of the alleged offense, for reasons to be stated later in an opinion to be filed, it is this 8th day of September 2023, by the Supreme Court of Maryland, a majority of the Court concurring,

ORDERED, that the State's motion to dismiss the appeal is DENIED; and it is further

ORDERED, that, under the common law collateral order doctrine, see In re O.P., 470 Md. 225, 250-51, 235 A.3d 4055 (2020), an interlocutory appeal of the August 8, 2022 ruling of the Circuit Court for Prince George's County, sitting as a juvenile court, denying M.P.'s motion to dismiss for lack of jurisdiction is permitted; and it is further

ORDERED, that the Circuit Court for Prince George's County, sitting as a juvenile court, was required to grant M.P.'s motion to dismiss for lack of jurisdiction because Md. Code Ann., Cts. & Jud. Proc. § 3-8A-03, a part of the Maryland Juvenile Justice Reform Act ("JJRA"), effective on June 1, 2022, removed the juvenile court's jurisdiction over juvenile delinquency proceedings against children under 13 years of age with the exception of those aged 10 to 12 years old who are alleged to have committed an act that, if committed by an adult, would constitute a crime of violence as defined in Md. Code Ann., Crim. Law § 14-101; and it is further

ORDERED, that the August 8, 2022 ruling of the Circuit Court for Prince George's County, sitting as a juvenile court, is hereby REVERSED; and it is further

ORDERED, that the Circuit Court for Prince George's County, sitting as a juvenile court, does not have jurisdiction over M.P. in Case No. JA-22-0183, a case that was pending when the JJRA became effective and that involved the alleged theft of a motor vehicle that occurred when M.P. was 12 years old; and it is further

ORDERED, that costs are to be paid by Prince George's County and the mandate is to issue forthwith.

/s/ Matthew J. Fader
Chief Justice