

Circuit Court for Baltimore County
Case Nos. C-03-CV-25-003883, C-03-CV-25-003886
C-03-CV-25-003888, C-03-CV-25-003885,
C-03-CV-25-003890 & C-03-CV-25-003889

IN THE SUPREME COURT
OF MARYLAND

Petition No. 376, September Term, 2025

MARYLAND DEPARTMENT OF HEALTH

v.

RACHEL D. THOMPSON, et al.

Petition No. 377, September Term, 2025

MARYLAND DEPARTMENT OF HEALTH

v.

STASHAUNA DAREE M. WHITAKER, et al.

Petition No. 378, September Term, 2025

MARYLAND DEPARTMENT OF HEALTH

v.

WILLIAM ANTOINE LUNN, et al.

Pursuant to the Maryland Uniform Electronic Legal
Materials Act (§§ 10-1601 et seq. of the State
Government Article) this document is authentic.



Gregory Hilton, Clerk

Petition No. 379, September Term, 2025

MARYLAND DEPARTMENT OF HEALTH

v.

DEVONTE J. SCOTT, et al.

Petition No. 380, September Term, 2025

MARYLAND DEPARTMENT OF HEALTH

v.

CORTNI ALSTON, et al.

Petition No. 381, September Term, 2025

MARYLAND DEPARTMENT OF HEALTH

v.

MICHAEL MAGGIO, et al.

Watts,
Booth,
Biran,
Eaves,
Killough,

JJ.

PER CURIAM ORDER

Filed: August 25, 2026

MARYLAND DEPARTMENT OF
HEALTH

v.

RACHEL D. THOMPSON, et al.

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MARYLAND DEPARTMENT OF
HEALTH

v.

STASHAUNA DAREE M.
WHITAKER, et al.

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MARYLAND DEPARTMENT OF
HEALTH

v.

WILLIAM ANTOINE LUNN, et al.

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IN THE
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SUPREME COURT
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OF MARYLAND
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Petition No. 376
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September Term, 2026
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(Cir. Ct. No. C-03-CV-25-003883)

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IN THE
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SUPREME COURT
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OF MARYLAND
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Petition No. 377
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September Term, 2026
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(Cir. Ct. No. C-03-CV-25-003886)

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IN THE
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SUPREME COURT
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OF MARYLAND
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Petition No. 378
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September Term, 2026
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(Cir. Ct. No. C-03-CV-25-003888)

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MARYLAND DEPARTMENT OF
HEALTH

v.

DEVONTE J. SCOTT, et al.

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MARYLAND DEPARTMENT OF
HEALTH

v.

CORTNI ALSTON, et al.

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MARYLAND DEPARTMENT OF
HEALTH

v.

MICHAEL MAGGIO, et al.

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IN THE
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SUPREME COURT
*
OF MARYLAND
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Petition No. 379
*
September Term, 2026
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(Cir. Ct. No. C-03-CV-25-003885)

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IN THE
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SUPREME COURT
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OF MARYLAND
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Petition No. 380
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September Term, 2026
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(Cir. Ct. No. C-03-CV-25-003890)

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IN THE
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SUPREME COURT
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OF MARYLAND
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Petition No. 381
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September Term, 2026
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(Cir. Ct. No. C-03-CV-25-003889)

ORDER

Pending before the Court are the petitions for certiorari in the above-captioned consolidated cases. The Court held these petitions pending its decision in *Maryland Department of Health v. Boulden*, No. 35, September Term, 2025. The Court issued its opinion in *Boulden* on July 15, 2026.

The Maryland Department of Health (the “Department”) is required to place every defendant found incompetent to stand trial and dangerous (“IST”) in a designated healthcare facility as soon as possible, but not later than 10 business days after the Department receives the court commitment order. *See* Md. Code, Crim. Proc. (“CP”) § 3-106(c)(2)(i) (2025 Repl. Vol.). If the Department fails to meet the 10-day deadline, the court “may impose any sanction reasonably designed to compel compliance, including requiring the Health Department to reimburse a detention facility for expenses and costs incurred in retaining the defendant” beyond the deadline. *Id.* § 3-106(c)(4).

In the consolidated cases before this Court, all six defendants, Rachel Thompson, Stashauna Whitaker, William Lunn, Devonte Scott, Cortni Alston, and Michael Maggio, were found IST by the District Court sitting in Baltimore County. The defendants were detained at the Baltimore County Detention Center (“BCDC”) while they awaited transfer to a Department facility. The Department failed to admit the defendants to designated healthcare facilities within the 10-day deadline. Each defendant moved for sanctions under CP § 3-106(c)(4).

The District Court held a consolidated hearing on defendants' motions for sanctions on August 5, 2025. The District Court imposed as a sanction the requirement that the Department reimburse BCDC in the amount of \$141.00 for each day the Department violated CP § 3-106(c)(2)(i) with respect to each defendant. The court ran each sanction retroactively to the eleventh business day following the issuance of the commitment order and ordered that the daily sanction would continue "until the date on which the Defendant is admitted to an MDH facility." The Department noted a de novo appeal to the Circuit Court for Baltimore County.

On November 10, 2025, the circuit court issued a written ruling and order imposing the following "non-monetary sanctions" on the Department:

1. The Department shall refrain from requiring or relying upon clinical acuity screening surveys, as such screening is not authorized by statute or by regulation under COMAR;
2. The Department shall cease requesting or conditioning admission upon the production of medical records from the BCDC or any other local detention facility for the purpose of confirming or ranking a defendant's acuity, as no such requirement exists in law or regulation;
and
3. The Department shall admit defendants found incompetent to stand trial and dangerous to a health care facility in the chronological order

of their commitment orders, consistent with the plain language and legislative intent of § 3-106(c)(2).

The Department noted an appeal to the Appellate Court of Maryland. The Appellate Court subsequently transferred the cases to this Court on November 24, 2025. This Court docketed the filings as noncompliant petitions for certiorari and allowed the Department to file a supplement by December 10, 2025. On December 8, 2025, this Court granted the Department's emergency motion to stay enforcement of the circuit court's sanctions orders pending the decision on these consolidated petitions.

The Department then filed its supplement to the petitions for writ of certiorari, seeking review of the following question in all six cases:

Did the circuit court abuse its discretion in issuing a sanction under Criminal Procedure § 3-106(c)(4) that requires the Department to admit all committed criminal defendants "in the chronological order of their commitment orders," regardless of the acuity of their condition?

Respondents subsequently filed a consolidated Answer to the Petition for Writ of Certiorari.

In *Boulden*, this Court held that CP § 3-106(c)(4) authorizes courts to impose sanctions to compel the Department to admit a defendant to a designated healthcare facility as soon as possible after the 10-day deadline has run. We held that "[i]f the court can reasonably conclude, based on the evidence before it, that the Department has not taken available steps to admit the particular defendant before the court as soon as possible, the court may impose a sanction that is designed to coerce the Department to do so." Maj. Slip

Op. at 33. We explained that § 3-106(c)(4)’s plain language “requires that a court impose a sanction under § 3-106(c)(4) only for the purpose of compelling compliance with respect to the particular defendant before the court – i.e., admitting the defendant to a designated facility.” Maj. Slip Op. at 30.

On their face, the requirements imposed by the circuit court in these cases do not comply with *Boulden*’s holding that a sanction compel compliance with respect to the particular defendant before the court. In addition, nothing in *Boulden* authorizes a circuit court to order the Department to forego its reliance on acuity. Neither the plain language of § 3-106(c)(4) nor this Court’s interpretation of that provision in *Boulden* authorizes a court to order the Department to prioritize acuity in any particular manner.

With respect to each pending petition for a writ of certiorari, the Court grants the petition, vacates the judgment of the Circuit Court for Baltimore County, and remands for reconsideration in light of *Boulden*.

Chief Justice Fader did not participate in the consideration of these petitions. Justice Gould does not join this Order.



/s/ Shirley M. Watts
Senior Justice