

Circuit Court for Anne Arundel County
Case No.: C-02-CR-21-001260

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND**

No. 0323

September Term, 2022

JOSEPH KENNETH MANALANSAN

v.

STATE OF MARYLAND

Beachley,
Tang,
Moylan, Charles E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Tang, J.

Filed: July 26, 2023

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

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

After a jury trial in the Circuit Court for Anne Arundel County, Joseph Kenneth Manalansan, appellant, was convicted of driving on a suspended license and various, non-incarcerable traffic offenses. He was sentenced to incarceration for a period of one year, with all but six days suspended, and placed on a period of supervised probation.

On appeal, the sole issue presented for our consideration is whether the evidence was sufficient to sustain appellant’s conviction for driving on a suspended license under § 16-303(c) of the Transportation Article (“TR”). The State agrees with appellant that the evidence was not sufficient to sustain the conviction and so do we. For the reasons set forth below, we shall reverse appellant’s conviction for driving on a suspended license under § 16-303(c) and affirm the circuit court’s judgment in all other respects.

FACTUAL AND PROCEDURAL BACKGROUND

This case arises out of a multi-vehicle collision that occurred on January 6, 2020. A detailed recitation of the evidence presented at trial is not necessary to our resolution of the issue before us. It is sufficient to note that appellant was driving one of the vehicles involved in the collision. An investigating officer checked appellant’s license status and learned that appellant’s license was suspended. The officer charged appellant with, *inter alia*, driving on a suspended license under both § 16-303(c) and (h). At the time of the incident, those subsections provided, as they do now:

(c) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article **while the person’s license or privilege to drive is suspended in this State.**

(h) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article **while the person’s license or privilege to drive is suspended under § 16-203** [for failing to pay child support], **§ 16-206(a)(2)** for failure to attend a driver improvement program, **§ 17-106** [for suspension of registration upon a lapse or termination of required security], **§ 26-204** [for failure to comply with a notice to appear in either the District Court or a circuit court in an action on a traffic citation], **§ 26-206** [for failure to comply with a notice to appear in the U.S. District Court contained in a traffic citation], **or § 27-103** [for failure to pay fines] of this article.

Md. Code (1977, 2012 Repl. Vol., 2019 Supp.),¹ TR § 16-303(c) and (h) (emphasis added).

At trial, the State offered, and the court admitted, appellant’s driving record. That record included two notations: (1) “LICENSE SUSPENDED—LEA FLAG” (dated “08-14-18”), and (2) “DIST COURT FAIL TO COMPLY—SUSPENDED” (dated “12-12-18”). No evidence was presented as to the meaning of the “LEA FLAG.”

After the close of all the evidence, the State entered a *nolle prosequi* on the charge of driving on a suspended license in violation of § 16-303(h),² and the charge of driving on a suspended license in violation of § 16-303(c) was submitted to the jury along with other traffic charges.

¹ Although we discuss the legislative history of § 16-303 in some detail, *infra*, we note here that subsection (c) has remained virtually unchanged since it was recast in 1986. 1986 Maryland Laws ch. 472, at 1755-56. The version of subsection (h) in effect on the date of the incident was enacted in 2017, when the Legislature added the references to § 16-203 and § 16-206(a)(2). 2017 Maryland Laws ch. 488, at 2911.

² The court questioned whether the jury would know whether “failure to comply means didn’t pay a fine” as a reason for a suspension specified under subsection (h). The prosecutor *nol prossed* the subsection (h) offense after acknowledging “that a jury [would] have a difficult time comprehending what that means when they look at the [driving] record.” *See* n.4, *infra*.

Appellant moved for judgment of acquittal on the subsection (c) offense. He argued that the State did not prove that his license was suspended for a reason covered under subsection (c). To establish a violation of subsection (c), he argued, the State was required to show that appellant’s license was suspended for some reason other than those enumerated in subsection (h). He asserted:

The State’s argument on this is essentially that if (H), then (C) and if (C), then (C). [B]ut when the legislature passes legislation, it is assumed to pass legislation that is not redundant and here that would create, under the State’s theory and logic, would create a situation where . . . if you are subject to a suspension for an (H) reason, you are still also subject to the (C).

But the legislature would not make a carve out [in subsection (h)] unless it intended for the carve out to mean something, meaning it is separate from a (C).

Appellant also maintained that there was no evidence presented as to the meaning of the “LEA FLAG,” arguing that “it’s difficult to figure out whether it was an (H) versus (C)[.] [The driving record] says ‘LEA flag,’ but we don’t know what that means.”

The court denied the motion, and the jury found appellant guilty of driving on a suspended license in violation of subsection (c) along with other traffic offenses that are not the subject of this appeal.³

DISCUSSION

Appellant contends that the evidence was not sufficient to support his conviction under § 16-303(c) for the reasons summarized above. The State agrees, conceding, based

³ Appellant was found guilty of the following non-incarcerable traffic offenses: failure to drive on the right half of the roadway, negligent driving, and failure to control vehicle speed on a highway to avoid a collision.

on the plain language of § 16-303, its legislative history, and case law interpreting it, that the Legislature intended § 16-303(c) and § 16-303(h) to be separate offenses addressing separate reasons for license suspension. We also agree.

A.

Legislative Intent

The general principles of statutory construction are well settled:

Where the words of a statute are ambiguous and subject to more than one reasonable interpretation, or where the words are clear and unambiguous when viewed in isolation, but become ambiguous when read as part of a larger statutory scheme, a court must resolve the ambiguity by searching for legislative intent in other indicia, including the history of the legislation or other relevant sources intrinsic and extrinsic to the legislative process. In resolving ambiguities, a court considers the structure of the statute, how it relates to other laws, its general purpose, and the relative rationality and legal effect of various competing constructions.

State v. Johnson, 415 Md. 413, 422 (2010) (citation omitted). The interpretation of a statute is a question of law that we review *de novo*. *Berry v. Queen*, 469 Md. 674, 686 (2020) (citation omitted).

The plain language of § 16-303(c) seems clear when viewed in isolation—it prohibits a person from driving “while the person’s license or privilege to drive is suspended in this State” without regard for the reason for the suspension. But when read in conjunction with subsection (h), it becomes ambiguous. When read together, it is unclear whether subsection (c) prohibits driving with a suspended license generally, or whether the two subsections are mutually exclusive such that subsection (c) prohibits driving with a license that was suspended for a reason other than one of those enumerated

in subsection (h). To resolve this ambiguity, we search for legislative intent in the statute’s legislative history and case law. *See Dep’t of Health & Mental Hygiene v. Kelly*, 397 Md. 399, 419-20 (2007).

“In 1916, the Legislature enacted a statute prohibiting, *inter alia*, the operation of a motor vehicle by any person whose license to operate a motor vehicle had been refused, suspended, or revoked.” *Jones v. State*, 357 Md. 141, 160 (1999) (citing 1916 Maryland Laws ch. 687, § 145, at 1592). “The statute remained in basically the same form through subsequent recodifications until 1977, when the Transportation Article was created . . . and when persons whose licenses had been canceled, suspended, or revoked by other states were included.” *Jones*, 357 Md. at 160. The statute, at the time, consisted of one section that generally prohibited driving while one’s license or privilege to drive was “refused, canceled, suspended, or revoked in this state or a license issued by any other state is canceled, suspended, or revoked.” *Id.* (citing 1977 Maryland Laws ch. 307, at 2015).

In 1981, the statute was amended to lower the number of points associated with certain violations, some of which are currently associated with § 16-303(h). *See* 1981 Maryland Laws ch. 750, at 2785. Section 16-303 was amended to read:

(a) A person may not drive a motor vehicle on any highway or on any property specified in § 12-101.1 of this article while his license or privilege to drive is refused, canceled, suspended, or revoked in this State or a license issued by any other state is canceled, suspended, or revoked.

(b) A person who drives a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while his license or privilege to drive is suspended **under § 17-106, § 26-204, § 26-206, or § 27-103** of this article shall be assessed the points as provided for in § 16-402(a)(6) of this title.

Id. at 2787-88 (emphasis added). The section governing the assessments of points was amended to provide, in part:

(6) Driving after suspension of license under the provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article3 points

* * *

(19) Driving after refusal, suspension, cancellation, or revocation of license **except for** suspensions of license under the provisions of **§ 17-106, § 26-204, § 26-206, or § 27-103** of this article12 points

Id. at 2786-87 (emphasis added). Those amendments, particularly the exception of certain suspensions as set forth in section (19), indicate that the number of points assessed for driving on a suspended license would depend on the reason for the suspension. In other words, a driver would not be assessed 12 points under subsection (19) for driving with a license that was suspended for a reason listed in subsection (6).

In 1986, the Legislature amended § 16-303 again. This time, it “divided the statute and its prohibition against driving while one’s license is suspended, revoked, refused, or canceled into separate subsections within § 16-303.” *Jones*, 357 Md. at 160 (citing 1986 Maryland Laws ch. 472, at 1755-56). “The stated purpose of this reorganization was to set out only one offense per section or subsection.” *Jones*, 357 Md. at 160 (quoting Senate Judicial Proceedings Committee, Bill Analysis, House Bill No. 596 (1986) (“The bill breaks up sections containing multiple offenses so that there is only one offense per section or subsection.”)).

In relevant part, § 16-303 was recast into subsections (c) and (h) as follows:

(c) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person’s license or privilege to drive is suspended in this State.

* * *

(h) A person who drives a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while his license or privilege to drive is suspended under § 17-106, § 26-204, § 26-206, or § 27-103 of this article shall be assessed the points as provided for in § 16-402(a)(6) of this title.

1986 Maryland Laws ch. 472, at 1756.

The Legislature also reduced the maximum penalty for driving on a suspended license under TR § 17-106, § 26-204, § 26-206, or § 27-103. *See* 1986 Maryland Laws ch. 806, at 3096-98. According to a Senate Judicial Proceedings Committee Report, a person whose license was suspended under these specified provisions faced a \$500 fine and/or two months’ imprisonment, while a person whose license was suspended “for any other reason” faced higher maximum penalties:

This bill maintains the points (3) assessed against a person who drives a motor vehicle with a license suspended because of insurance rejection, noncompliance with traffic citations, or nonpayment of traffic fines, and decreases the maximum penalties for those violations to a \$500 fine, 2 months[’] imprisonment, or both.

The bill also requires that a person driving in violation of a license that is refused, canceled, suspended, or revoked **for any other reason** be assessed 12 points. A person convicted of driving with a license refused, canceled, suspended, or revoked **for any of these other reasons** remains subject to the maximum penalties for a first offense of a \$1,000 fine, one year imprisonment, or both, or for a subsequent offense, a \$1,000 fine, 2 years imprisonment, or both.

Senate Judicial Proceedings Committee, Summary of Committee Report, House Bill No. 1607 (1986) (emphasis added). The Report expressed the intention behind the changes:

The intent of House Bill 1607 is to reduce the maximum penalties for driving with a license that has been suspended or revoked for lack of insurance, noncompliance with traffic citations, or nonpayment of traffic fines.

The bill’s purpose is to eliminate jury trials for relatively minor traffic offenses, and to clarify the points assessed against persons convicted of driving with a suspended or revoked license.

Id.

The following year, the statute was again amended, but the amendments were “technical and stylistic changes,” and they “clarif[ied] the penalties for violations of certain prohibitions against a person driving while the person’s license to drive is canceled, suspended, refused, or revoked.” Senate Judicial Proceedings Committee, Bill Analysis, House Bill No. 321 (1987) (stating that the bill “makes no substantive changes in the law.”).

After the 1987 amendments, the pertinent portions of the statute provided:

(c) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person’s license or privilege to drive is suspended in this State.

* * *

(h) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while his license or privilege to drive is suspended under § 17-106, § 26-204, § 26-206, or § 27-103 of this article.

1987 Maryland Laws ch. 212, at 1004.

More recently, in 2017, § 16-303(h) was amended to provide for suspension of a license for failing to pay child support and failing to attend a driver improvement program. *See* 2017 Maryland Laws ch. 488, at 2911. A Fiscal and Policy Note for the bill provided, in part:

Under the bill, two types of violations for driving with a suspended license – if the license was suspended for either being 60 days or more out of compliance with making child support payments or failure to attend a required DIP – **are moved from § 16-303(c) into § 16-303(h) of the Transportation Article, which subjects them to less stringent penalties.**

Senate Judicial Proceedings Committee, Fiscal and Policy Note, Senate Bill No. 799, at 2 (2017) (emphasis added).

Based on our review of the legislative history of § 16-303, we conclude that the Legislature intended subsections (c) and (h) to be mutually exclusive such that each covers different reasons for suspension; it did not intend for a charge under subsection (c) to be based on a suspension imposed for a reason listed in subsection (h).

In *Jones v. State*, 357 Md. 141 (1999), our Supreme Court conducted a similar legislative history analysis of § 16-303, albeit under different circumstances. There, the Court considered whether multiple punishments may be imposed for the single criminal act of driving a motor vehicle while the operator’s driving privileges were both suspended and revoked in violation of § 16-303. *Id.* at 145. After a review of the legislative history, the Court held that the statute created separate offenses. It explained:

The current statute and the offenses at issue carry distinct penalties and further different policy goals. Moreover, the suspension of one’s license to drive may be lifted but at the same time, the license may remain revoked due to point accumulation. Under the Transportation Article, **suspensions, revocations, refusals, and cancellations may be imposed for a variety of reasons.** For example, the purpose is quite different between a suspension for failure to pay child support arrearages, suspension for committing driving offenses out-of-state, driving while under the influence of drugs and/or alcohol, failure to carry proper insurance, on the one hand, and revocation, for example, due to the accumulation of 12 or more points, on the other hand. **The penalties vary as well. The maximum penalty for driving while one’s license or privilege is suspended for failure to pay a fine under § 16-303(h) is a fine of \$500.00 and/or two months in prison.** *See* § 27-

101(c)(13). **The maximum penalty for a first offense of driving while one’s privilege is suspended or revoked under § 16-303(c) or (d) is a fine of \$1,000.00 and/or one year in prison.** See § 27-101(h)(1). See *State v. Campbell*, 589 N.W.2d 705, 708 (Iowa 1999) (holding that multiple convictions per driving episode can be based on multiple suspensions if suspensions imposed under different statutes, such as suspension for failure to pay fines as well as suspension for failure to post proof of financial responsibility).

In the final analysis, what tips the scale in favor of the State is the express language in the bill analysis that the bill breaks up sections containing multiple offense[s] so that there is only one offense per section or subsection.

Id. at 162-63 (emphasis added). Although *Jones* did not squarely address the relationship between § 16-303(c) and § 16-303(h), we see no reason why its analysis should not also support the conclusion that subsections (c) and (h) cover mutually exclusive reasons for suspensions. See also, *United States v. Kyung Kim*, 902 F.Supp.2d 763, 768 (D. Md. 2012) (citing *Jones* and indicating that each subsection of §16-303 “requires different elements of proof.”).

B.

Sufficiency of the Evidence

The standard for appellate review of evidentiary sufficiency is “whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Smith v. State*, 415 Md. 174, 184 (2010) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)) (emphasis in original). “We defer to any possible reasonable inferences the jury could have drawn from the admitted evidence and need not decide whether the jury could have drawn other inferences from the evidence, refused to draw inferences, or whether we

would have drawn different inferences from the evidence.” *State v. Mayers*, 417 Md. 449, 466 (2010) (citations omitted).

We do, however, assess “whether the verdict was supported by sufficient evidence, direct or circumstantial, which could convince a rational trier of fact of the defendant’s guilt of the offenses charged[.]” *White v. State*, 363 Md. 150, 162 (2001) (internal citations omitted). Inferences “must rest on more than mere speculation or conjecture” and “afford the basis for an inference of guilt beyond a reasonable doubt.” *Smith*, 415 Md. at 185 (citations omitted).

Because § 16-303(c) and § 16-303(h) delineate separate and distinct offenses, when proceeding under subsection (c), the State must prove that the driver’s license of the accused was suspended for a reason other than those listed in subsection (h). Here, appellant’s driving record indicated that, on “08-14-18,” his license was suspended for an “LEA FLAG” and on, “12-12-18,” his license was suspended for “DIST COURT FAIL TO COMPLY.” The State concedes that, while the evidence was sufficient to support a finding that appellant’s license was suspended, it was insufficient to prove why it was suspended. There was no testimony or other evidence regarding the meaning of the “LEA FLAG.” Without knowing what this notation meant, the jury was unable to determine whether the suspension was for a reason other than those listed under subsection (h). We

agree that, based on this record, the evidence was insufficient to support a conviction under § 16-303(c).⁴

**JUDGMENT OF THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY
REVERSED IN PART; COSTS TO BE PAID
BY ANNE ARUNDEL COUNTY.**

⁴ We do not suggest that a driving record alone can never prove the suspended status of a person’s license and the reason for the suspension. The factfinder could infer, without speculating, the reason for a suspension based on descriptive words or phrases in the notation. For instance, the parties suggest that the notation, “DIST COURT FAIL TO COMPLY,” could have been sufficient to sustain a conviction under subsection (h) as it is a noncompliance offense listed under TR § 26-204 (requiring compliance with notices issued by the District Court). We need not address whether this notation would have been sufficient to support a conviction of a subsection (h) charge as that question is not before this Court.

The correction notice(s) for this opinion(s) can be found here:

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