

Circuit Court for Prince George's County
Case No. CAE22-25211

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0748

September Term, 2023

IN THE MATTER OF DIANE TERRELL

Graeff,
Zic,
Wilner, Alan M.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: September 20, 2024

* 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 Maryland Rule 1-104(a)(2)(B).

Appellant, William Bailey, Sr., claimed to have power of attorney and be a health care agent for appellee Diane Terrell. Ms. Terrell had been declining in health for close to a decade, resulting in appellee Jamia Happer filing a petition for guardianship of alleged disabled person with the Circuit Court for Prince George’s County. The parties did not contest whether Ms. Terrell qualified as a disabled person under the Estates and Trusts Article of the Maryland Annotated Code, but Mr. Bailey asserted that he was a less restrictive form of intervention to appointing a guardian. The circuit court found Mr. Bailey did not have power of attorney, was not a health care agent, and no longer had title of his and Ms. Terrell’s bank accounts because he did not act consistently with Ms. Terrell’s interests. The court appointed Ms. Happer to be guardian of the person. Mr. Bailey filed this timely appeal. During the pendency of this appeal, Ms. Happer advised this Court that Ms. Terrell had passed away.

DISCUSSION

“A case is moot when there is no longer an existing controversy between the parties at the time that the case is before the court, or when the court can no longer fashion an effective remedy.” *Cottman v. State*, 395 Md. 729, 744 (2006) (quoting *In re Kaela C.*, 394 Md. 432, 452 (2006)). “Generally, a moot case is dismissed without our deciding the merits of the controversy.” *Coburn v. Coburn*, 342 Md. 244, 250 (1996); *Hammen v. Baltimore County Police Department*, 373 Md. 440, 450 (2003) (“[W]e generally dismiss moot actions without a decision on the merits.”).

Here, Mr. Bailey argues that the circuit court erred by refusing to allow his counsel the right to advocate for his client “on the issue of who should be appointed as

guardian of the person” and “by passing over [Mr.] Bailey, Sr.’s statutory priority for appointment as guardian of the person[.]” Ms. Terrell’s death moots these issues as this Court can no longer fashion an effective remedy. *See In re Riddlemoser*, 317 Md. 496, 502 (1989) (“[A]ppeal is moot in view of [the ward’s] death[.]”). The appeal is moot and dismissed without a decision on the merits.

**APPEAL DISMISSED AS MOOT. COSTS
TO BE PAID BY APPELLANT.**