

Circuit Court for Prince George's County
Case No.: C-16-CV-24-001169

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1156

September Term, 2024

STARSHA SEWELL

v.

PRINCE GEORGE'S COUNTY
POLICE DEPARTMENT

Leahy,
Zic,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 7, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In March 2024, Starsha Sewell, appellant, sued the Prince George’s County Police Department, in the Circuit Court for Prince George’s County, alleging negligence and abuse of process. Her claims stemmed from an incident that occurred on March 7, 2014, where the Department served and enforced upon her a vacated court order related to Sewell’s child custody case.

The Department moved to dismiss Sewell’s complaint as barred by the statute of limitations. This first motion was deficient, however, and the court struck the filing. The Department refiled its motion on June 20, 2024, and Sewell opposed it the same day. Then, on June 26, the court granted the Department’s motion and dismissed Sewell’s complaint as time-barred. Sewell moved for reconsideration and to recuse the judge who had dismissed her complaint. The court denied both motions, and this appeal followed.

On appeal, Sewell does not appear to challenge the merits of the court’s dismissal of her complaint. Instead, she argues that the court abused its discretion by ruling on the Department’s deficient motion. That is not what happened. The record shows that the court did not issue a ruling until the Department filed a corrected motion, which Sewell opposed. Thus, contrary to her claims, there was no procedural irregularity.

Even if Sewell challenged the merits of the court’s dismissal, we would affirm. We review the granting of a motion to dismiss to determine “whether the trial court was legally correct.” *Estate of Brown v. Ward*, 261 Md. App. 385, 409 (2024). Sewell’s claims fall under the general statute of limitations for civil cases: three years from the date of accrual. *See* Md. Code Ann., Cts. & Jud. Proc. § 5-101. Her complaint alleges that the tortious

conduct here occurred on March 7, 2014.¹ She did not file suit until a decade later. Accordingly, the court did not err in dismissing Sewell’s complaint.

Sewell also contends that the circuit court judge erred in refusing to recuse herself. We review a trial judge’s refusal to recuse for an abuse of discretion. *In re K.H.*, 253 Md. App. 134, 154 (2021). Judicial recusal is required “when a reasonable person with knowledge and understanding of all the relevant facts would question the judge’s impartiality.” *Matter of Russell*, 464 Md. 390, 402–03 (2019). “The party requesting recusal has a heavy burden to overcome the presumption of impartiality.” *In re K.H.*, 253 Md. App. at 154 (cleaned up). To do so, the party “must prove that the trial judge has a personal bias or prejudice concerning [them] or personal knowledge of disputed evidentiary facts concerning the proceedings. Only bias, prejudice, or knowledge derived from an extrajudicial source is ‘personal.’” *Id.* (cleaned up). Knowledge or an opinion is not “personal” if the “knowledge is acquired in a judicial setting, or [the] opinion arguably expressing bias is formed on the basis of information acquired from evidence presented in the course of judicial proceedings[.]” *Id.* at 154–55 (cleaned up).

Here, Sewell did not make any showing of “bias, prejudice, or knowledge derived from an extrajudicial source[.]” *Id.* at 154 (cleaned up). Her only “evidence” of bias is her

¹ In her brief filed in this Court, Sewell changes the date of the alleged tortious conduct to October 24, 2018. Even if that were the date of accrual, her complaint would still be more than two years too late.

displeasure with the judge’s rulings in the case. That is not enough to require recusal. Thus, the judge did not abuse her discretion by refusing to do so.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**