

Circuit Court for Frederick County  
Case No.: C-10-FM-20-001424

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 2248

September Term, 2023

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DWIGHT DOUGLAS LARCOMB

v.

SHELLEY DORINDA LARCOMB

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Beachley,  
Albright,  
Woodward, Patrick, L.  
(Senior Judge, Specially Assigned)  
JJ.

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PER CURIAM

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Filed: October 4, 2024

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

In October of 2020, appellant, Dwight Douglas Larcomb (“Mr. Larcomb”), filed for divorce against appellee, Shelley Dorinda Larcomb (“Ms. Gerstner-Bailey”<sup>1</sup>), in the Circuit Court for Frederick County. Ms. Gerstner-Bailey filed a counterclaim for divorce. Trial was set for October 18, 2023. Mr. Larcomb requested that trial be postponed, which the court denied.

At trial, Mr. Larcomb appeared *pro se*, and Ms. Gerstner-Bailey appeared with counsel. Mr. Larcomb renewed his request to postpone, noting difficulty subpoenaing witnesses, and Ms. Gerstner-Bailey objected to the request, noting that the case had already been pending for three years. The court denied the request, and Mr. Larcomb voluntarily excused himself from the courtroom. Trial proceeded, and the court thereafter entered a Judgment of Absolute Divorce.

Mr. Larcomb noted the instant appeal. On appeal, he asserts that he “was not given a fair and impartial” divorce trial. Specifically, he contends that the trial judge – Judge McCormick – discriminated against him due to his status as a *pro se* litigant, adding that she both “announced” her bias against him and asserted “that she was not impartial” during the proceedings at trial.

As an initial matter, we note that Mr. Larcomb failed to raise his contentions at any point before the trial court. Instead, the record reflects that at trial, Mr. Larcomb took issue with the actions of a separate judge – Judge Solt – who denied his former motion to postpone. The relevant colloquy is as follows:

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<sup>1</sup> Appellee was restored to her former name in the Judgment of Absolute Divorce.

THE COURT: You should have asked for [a postponement] the minute you knew.

MR. LARCOMB: I did. I sent that motion in to the judge, and then I sent in a second motion to the judge to reconsider it.

THE COURT: And [Judge Solt] denied it.

MR. LARCOMB: Yes, which is unfair. And, again, she always denies everything. I don't know if she does it because I'm -- I don't have a juris doctorate. I don't know what her problem is. I know I pointed it out in 2021 and asked her to recuse herself. And, you know, she just -- just thumbs her nose at -- at the -- at the canons, and it's -- it's a terrible thing. It's not fair to me at all or anybody that doesn't have a juris doctorate. You know, the appellate court held up the idea that it's cool with them and it's okay that I do represent myself. The problem is, is there's a major discrimination against people who do represent themselves. So I just --

THE COURT: It is harder when you represent yourself.

MR. LARCOMB: Yeah. So I just --

THE COURT: There's no doubt about that.

MR. LARCOMB: -- need time to get the subpoenas out because some of them -- these -- many of these people are her clients.

At no point did Mr. Larcomb raise any contentions of bias or discrimination from Judge McCormick, which he now raises on appeal. As set forth in Md. Rule 8-131(a), “[o]rdinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]” This includes claims of bias or prejudice on behalf of a trial judge. *Joseph v. State*, 190 Md. App. 275, 289 (2010) (“[A] party has to object to preserve allegations of judicial bias for review.”). Accordingly, because Mr. Larcomb’s claims were not raised in or decided by the trial court, they are not preserved for our review.

Assuming, *arguendo*, that Mr. Larcomb had properly raised his contentions before the trial court, they are plainly unsupported by the record. Judge McCormick did not announce bias against Mr. Larcomb or assert that she was not impartial, as Mr. Larcomb contends on appeal. Nor does the transcript otherwise demonstrate any indication of discrimination on her behalf. Instead, Judge McCormick gave Mr. Larcomb the opportunity to request and provide argument in support of a postponement, a request which had already been denied by the court. Indeed, she agreed with Mr. Larcomb about the challenges faced by *pro se* litigants, and, after Mr. Larcomb asked to leave the courtroom, permitted him to do so only after warning that trial would not be postponed in his absence.<sup>2</sup>

There is a “strong presumption” that “judges are impartial participants in the legal process, whose duty to preside when qualified is as strong as their duty to refrain from presiding when not qualified.” *Jefferson-El v. State*, 330 Md. 99, 107 (1993). Accordingly, “[a] party who wishes to show that a judge is not impartial or disinterested has a high burden to meet.” *Scott v. State*, 110 Md. App. 464, 486 (1996). Further, “[b]ald allegations and adverse rulings are not sufficient to overcome the presumption of impartiality.” *Reed v. Baltimore Life Ins. Co.*, 127 Md. App. 536, 556 (1999). Accordingly, even had Mr. Larcomb properly preserved his claims for our review, they fail to satisfy the burden required to overcome the strong presumption of a trial judge’s impartiality.

**JUDGMENT OF THE CIRCUIT  
COURT FOR FREDERICK  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**

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<sup>2</sup> To which Mr. Larcomb responded, “[t]hat’s fine with me, Judge.”