

RAYMOND JOHNSON

v.

CREDIT ONE BANK, et al

* **IN THE**
* **COURT OF APPEALS**
* **OF MARYLAND**
* **Petition Docket No. 514**
* **September Term, 2018**
* **(No. CAL18-29201, Circuit Court**
* **for Prince George's County)**

ORDER

Upon consideration of the petition for a writ of certiorari to the Circuit Court for Prince George's County, the "Petitioner Motion for Leave to Exceed Word Count," and the "Petitioner Motion for Mediation/Settlement Conference" filed thereto, in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition and the motions be, and they are hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Mary Ellen Barbera

Chief Judge

DATE: April 19, 2019

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

RAYMOND JOHNSON
Appellant

v.

CREDIT ONE BANK, et al.
Appellees

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CAL18-29201

MEMORANDUM OPINION AND ORDER OF COURT

This matter came before the Court as an appeal from a decision of the District Court for Prince George's County (Honorable Judge Gerard F. Devlin, presiding), in Case No.05020017811-17. On March 27, 2018, the District Court for Prince George's County, Maryland found in favor of Appellees on all counts. The Appellant filed a timely appeal. The Appellant requested that this Court issue a decision based upon its review of the record.

BACKGROUND

On June 9, 2017, the Appellant filed a complaint against Credit One Bank, LP, LVNV Funding, LLC, True Accord, and Resurgent Capital Services. Appellant sued co-defendants Resurgent Capital Services, LP, LVNV Funding, LLC and True Accord only for violation of various laws, including, but not limited to Count I: Defamation of Character, Count II: Invasion of Privacy, Count III: Deceit/Fraud, Count IV: Detrimental Reliance, Count V: Unjust Enrichment, Count VI-Intentional Inflection of Emotional Distress, and Count VII-Libel/Slander. Appellant filed a request for appeal of the District Court decision on May 16, 2018.

SCOPE OF REVIEW

When an appeal is filed in the Circuit Court, the Court is required to review the case on both the law and the evidence. Md. Rule 7-113(f). The Circuit Court should set aside the District Court judgment on the evidence only if the factual determination of the lower court is clearly erroneous and is to give due regard to the opportunity of the District Court to judge the credibility of the witnesses. Md. Rule 7-113(f); *Ryan v. Thurston*, 276 Md. 390, 347 A.2d 834 (1975).

The “clearly erroneous” standard does not apply to legal determinations of the District Court. The lower court’s interpretations of the law enjoy no presumption of correctness on review – the appellant court must apply the law as it understands it to be. *Rohrbaugh v. Estate of Stern*, 305 Md. 443, 505 A.2d 113 (1986).

DISCUSSION

Did the District Court err in ruling in favor of the Appellee(s)?

The Appellant claims that the District Court for Prince George’s County, Maryland improperly concluded the case in favor of the Appellees. The decision of the District Court of Prince George’s County, Maryland to find in favor of the Appellees was proper and within the Court’s discretion. Maryland Rule 3-522, states, “In a contested trial, the judge, before or at the time judgment is entered, shall prepare and file or dictate into the record a brief statement of the reasons for the decision and the basis of determining any damages.”

Here, Judge Devlin dictated into the record the following: “It can’t be done. And there’s no evidence as to what anybody said that was defamatory and no evidence was there to anybody that was communicated to in evidence. Speculation perhaps but no evidence. And due to that, judgment is for the Defendant in all counts.” The transcript is clear and overwhelmingly

demonstrates that Judge Devlin gave Appellant every opportunity to be heard. A review of the record illustrates that Judge Devlin considered all of the evidence and testimony.

Therefore, after review of the record, based on the trial transcript, memoranda submitted to the Court, evidence presented, testimony, and oral arguments of both parties, Appellant has failed to demonstrate that the Court's findings were clearly erroneous or an abuse of discretion.

CONCLUSION

For the reasons set forth herein, the decision of the District Court finding in favor of Appellees is affirmed.

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

RAYMOND JOHNSON
Appellant

v.

CREDIT ONE BANK
Appellee

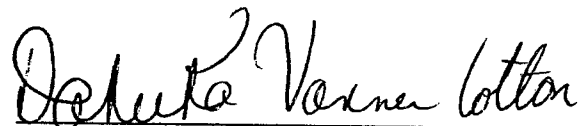
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CAL18-29201

ORDER

This matter came before the Court as an appeal from a decision of the District Court for Prince George's County. Based upon the Court's review of the record and upon consideration of the memoranda filed on behalf of the parties, it is thereupon this 17th day of January 2019, by the Circuit Court for Prince George's County, Maryland;

ORDERED, that the judgment of the District Court shall be and the same is hereby **AFFIRMED**.


The Honorable DaNeeka Varner Cotton

**Additional material
from this filing is
available in the
Clerk's Office.**