

IN THE COURT OF APPEALS

OF MARYLAND

No. 122

September Term, 2008

PABLO GUILLERMO LANCASTER

v.

STATE OF MARYLAND

Bell, C.J.,
Harrell
Battaglia
Greene
*Murphy
Eldridge, John C. (Retired,
Specially Assigned)
Raker, Irma S. (Retired,
Specially Assigned),

JJ.

Per Curiam Opinion
Harrell and Raker, JJ., dissent.

Filed: June 25, 2012

*Murphy, J., now retired, participated in the hearing and conference of this case while an active member of this Court, but did not participate in the decision or adoption of this opinion.

For the reasons explained in Judge Thieme’s majority opinion in *Lancaster v. State*, 410 Md. 352, 978 A.2d 717 (2009), the judgment of the Court of Special Appeals in the present case shall be reversed. Petitioner here, Pablo Guillermo Lancaster (Pablo), is the brother of Jovon Brian Lancaster (Jovon), the petitioner in *Lancaster, id.* They were co-defendants tried together on the same charges, on the same record, and received the same convictions and sentences. Pablo raises as his sole appellate challenge in the present case whether the trial court abused its discretion in issuing a pre-trial protective order that was applicable to the brothers’ trial. Jovon raised essentially the same question in his appeal, which question was answered in his favor. *Lancaster*, 410 Md. at 355 & n.1, 978 A.2d at 719 & n.1. There is no principled basis upon which Pablo’s question should be answered differently, including our rejection of the State’s harmless error argument in each case.

Judges Harrell and Raker dissent here for the reasons explained in Judge Murphy’s dissent in *Lancaster*, 410 Md. at 382-84, 978 A.2d at 735.

JUDGMENT OF THE COURT OF SPECIAL APPEALS REVERSED. CASE REMANDED TO THAT COURT WITH DIRECTIONS TO REVERSE THE JUDGMENTS OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY AND TO REMAND TO THAT COURT FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS IN THIS COURT AND THE COURT OF SPECIAL APPEALS TO BE PAID BY MONTGOMERY COUNTY, MARYLAND.