

The Litigation Section and  
The Criminal Law and Practice Section of  
The Maryland State Bar Association  
Presents



**The Golden Jubilee of the Honorable  
Charles E. Moylan, Jr.  
May 3, 2021**

On behalf of the Litigation and Criminal Law and Practice Sections, we welcome you in joining tonight's celebration of the Honorable Charles E. Moylan, Jr. The terms "legend" and "icon" may be overused these days, but they are entirely appropriate when describing Judge Moylan and the brilliant and exceptional judicial career he has had since his appointment to the Court of Special Appeals in 1970, soon after the Court's inception. Judge Moylan has authored thousands of opinions which have left an indelible mark on Maryland jurisprudence (it is likely that most members of the bar could name at least one Judge Moylan case by name) and has had an impact like no other judge in Maryland history. Judge Moylan continues to be a force today, well into his sixth decade on the bench!

The irony of holding a Zoom event to honor a man who is, by all accounts, fiercely analog is not lost on us. Tonight's event is the culmination of many months of planning and organizing behind the scenes. We are indebted to the diligent work of the event's planning committee: Michele McDonald, Judge Andrea Leahy, Ann Sheridan, Claude de Vastey Jones, Megan Coleman, and Meagan Borgerson. There were many challenges in planning this virtual event in the midst of a pandemic, but the committee's perseverance and tenacity carried us through. We extend our deepest gratitude to all who worked so hard to put this event together. And, to our honoree, congratulations Judge Moylan on your 51 years of service and your unparalleled contributions to the Maryland legal community. As the saying goes, he's only getting warmed up.

*Andrew Baida*

Andrew Baida  
Chair, Litigation Section Council

*Brian Kleinbord*

Brian Kleinbord  
Chair, Criminal Law and Practice  
Section Council

*The Golden Jubilee of the  
Honorable Charles E. Moylan, Jr.*

*May 3, 2021*

The Host

**Judge Joseph F. Murphy, Jr**

Court of Appeals of Maryland (ret.)

Former Chief Judge of the Court of Special Appeals of Maryland

Presenters (in order of appearance)

**Judge Daniel W. Moylan**

Circuit Court for Washington County (ret.)

**Judge Dana Moylan Wright**

Circuit Court for Washington County

**Stephen Tabeling**

Former Chief of Police, Salisbury Police Department

Lieutenant, Homicide, Baltimore City Police Department (ret.)

**Judge Irma S. Raker**

Court of Appeals of Maryland (ret.)

**Judge Kathleen M. Sweeney**

District Court of Maryland for Baltimore City (ret.)

**Judge Deborah K. Chasanow**

United States District Court for the District of Maryland

**Daniel P. Moylan**

Managing Partner, Venable LLP

Son

**Neil A. Grauer**

Journalist, author, editorial cartoonist

**Joseph F. Devlin**

Partner, Council, Baradel, Kosmerl & Nolan, P.A.

**Larry Quinn**

President, Capital Seaboard

**Joshua F. Kahn**  
Principal, Miles & Stockbridge

**Jessica A. Rebarber**  
Senior Managing Associate, Dentons

**Louis P. Malick**  
Principal, Kramon & Graham, PA

**Peter R. Naugle**  
Assistant Attorney General, Criminal Appeals, Office of the Attorney General

**Judge Stacy W. McCormack**  
Circuit Court for Anne Arundel County

**Charles Moylan**  
Son

**Trudy Moylan**  
Daughter

**Judge Robert M. Bell**  
Former Chief Judge, Court of Appeals of Maryland (ret.)  
Court of Special Appeals of Maryland

**Judge Alan M. Wilner**  
Court of Appeals of Maryland (ret.)  
Former Chief Judge, Court of Special Appeals of Maryland

**Judge Paul E. Alpert**  
Court of Special Appeals of Maryland (ret.)

**Judge Dale R. Cathell**  
Court of Appeals of Maryland (ret.)  
Court of Special Appeals of Maryland

**Judge Ellen L. Hollander**  
United States District Court of Maryland  
Court of Special Appeals of Maryland

**Judge James P. Salmon**  
Court of Special Appeals of Maryland (ret.)

**Judge Glenn T. Harrell**  
Court of Appeals of Maryland (ret.)  
Court of Special Appeals of Maryland

Members of the Court of Special Appeals of Maryland

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**Judge Kathryn Grill Graeff**  
**Judge Christopher B. Kehoe**  
**Judge Stuart R. Berger**  
**Judge Douglas R. M. Nazarian**  
**Judge Kevin F. Arthur**  
**Judge Andrea M. Leahy**  
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**Judge Melanie Shaw-Geter**  
**Judge E. Gregory Wells**  
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**Judge James A. Kenney, III**  
Court of Special Appeals of Maryland (ret.)

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Court of Special Appeals of Maryland (ret.)

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**Judges James R. Eyler**  
Court of Special Appeals of Maryland (ret.)

**Judge Deborah Sweet Eyler**  
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**Judge Sally D. Adkins**  
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**Judge Timothy E. Meredith**  
Court of Special Appeals of Maryland (ret.)

**Judge Patrick L. Woodward**  
Court of Special Appeals of Maryland (ret.)

**Judge Alexander Wright, Jr.**  
Court of Special Appeals of Maryland (ret.)

**Judge Albert J. Matriciani, Jr.**  
Court of Special Appeals of Maryland (ret.)

**Judge Michele D. Hotten**  
Court of Appeals of Maryland  
Court of Special Appeals of Maryland

**Chief Judge Mary Ellen Barbera**  
Court of Appeals of Maryland  
Court of Special Appeals of Maryland

*\*Copies of the unedited videos prepared by the presenters will be presented to Judge Moylan for viewing in their entirety*

# *Honoree accomplishments and awards*

## Alumnus

**Baltimore City College**

**The Johns Hopkins University, B.A.**

**University of Maryland School of Law, J.D.**

## Legal

**Assistant State's Attorney, Baltimore City  
1959-1962**

**Deputy State's Attorney, Baltimore City  
1963**

**State's Attorney, Baltimore City  
1964-1970**

**Court of Special Appeals  
1970-2000**

## Bar Association Involvement

**MSBA Criminal Law & Practice Section Council, Past Chair**

**MSBA Standing Criminal Sub-Committee on Maryland Pattern Jury Instructions**

## Lecturer

**American Academy of Judicial Education**

**National Judicial College**

**National College of District Attorneys**

**Maryland States Attorney's Association**

## Awards

**Distinguished Service Award, National District Attorneys Association, 1968**

**Distinguished Graduate Award, University of Maryland School of Law Alumni Association, 2004**

**Legal Excellence Award for Advancement of Public Understanding of the Law, Maryland Bar  
Foundation, 2011**

*This event would not have been possible without  
the contributions of*

**Angela Munro**

MSBA Sections and Committees Administrator

**Bill Hall**

MSBA Videographer

**Gregory Hilton**

Clerk of the Court, Court of Special Appeals of Maryland

**Cary Marshall**

Law Clerk to the Honorable Andrea M. Leahy, Court of Special Appeals of Maryland

**Ivette Lucero**

Maryland Judiciary, Public Affairs Supervisor

**Leo Karpoff**

Maryland Judiciary, Senior Media Developer

**Jon Laria**

Ballard Spahr

**Meagan Borgerson**

Kagan Stern Marinello & Beard, LLC

**Amy Bonsib**

Paralegal, MarcusBonsib, LLC

*We gratefully acknowledge the assistance, resources and talents of:*

**Maryland State Archives**

**Maryland Historical Society**

**Baltimore Sun**

**The Congressional Record**

**The Herald Mail Media**

**Baltimore Police Museum**

**Neil Grauer**

**Aaron Sopher, sketch artist**

**Trudy Moylan Photography**

**John Hopkins University 1952 Hullabaloo**

**Amazing Bobbleheads**

**Bob Dylan**

**Ludwig von Beethoven**

# *Planning Committee*

**Michele J. McDonald, Chair**

Chief Counsel, Courts and Judicial Affairs, Office of the Attorney General

**Judge Andrea M. Leahy**

Court of Special Appeals of Maryland

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Senior Counsel, Civil Litigation, Office of the Attorney General

**Claude de Vastey Jones**

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**Bringing Cases to Life: The Art of Charles Moylan**

By Hon. Andrea M. Leahy and W. Elliott Hunter

A running inventory of the honorable Charles E. Moylan, Jr.’s prolific legal opinions, books, articles, and lectures—after five decades with the Maryland Court of Special Appeals—requires something akin to the Köchel Catalogue. Accordingly, we will not attempt the Sisyphean undertaking of encapsulating Judge Moylan’s works in a single article. Instead, we catch up with Fred Astaire and Ginger Rogers in *Boone v. Youngbar*, 234 Md. App. 288, 303-04 (2017), and dip into a few of Moylan’s opinions to highlight his virtuosity at distilling complex legal precepts and bringing cases to life through art and literature.

**“Voila!”**

Our tour begins in an “improbable hall of mirrors in which the customary roles are eerily reversed.” *Id.* at 291. “It is frequently the unwed mother who seeks to establish the paternity of the biological father in order to ensure child support. It is the unwed mother herein, however, who seeks to disenfranchise the legally established paternity of the appellee[.]” *Id.* at 291. Judge Moylan observes, “[u]p is down and in is out.” *Id.*

The factual background is straightforward. During three years of cohabitation, mother, the appellant, gave birth to a daughter and listed the appellee as the biological and legal father on the birth certificate. *Id.* “[B]oth appellant and appellee executed an Affidavit of Parentage, attesting to the fact that the appellee was, indeed, [the daughter’s] biological father.” *Id.* at 291-92. After the parties’ separation, however, the mother decided that appellee was not the actual biological father. *Id.*

Mother filed a petition to disestablish paternity in the circuit court, claiming the Affidavit of Parentage was a material mistake and that another man, the actual biological father, “affirmatively established his paternity.” *Id.* at 292. The court granted appellee’s motion to dismiss. *Id.* The mother appealed and claimed that the court erred in two respects: first, by granting the motion given the factual allegations set forth in her petition; and, second, by granting the motion without making a factual or legal determination that the “Affidavit of Parentage . . . was not obtained by either fraud, duress, or material mistake of fact[.]” *Id.* at 293-92.

Accented by Robert Frost’s “The Road Not Taken,” Judge Moylan traces the “intractable terrain” of the “stereotypical script” when the legal father attempts to repudiate his status. *Id.* at 294-95. “Mercifully,” Judge Moylan notes, “we are not called upon to decide [the father’s challenge to his paternity status]. The precedential snares and pitfalls are all along the more heavily traveled route, ‘the road not taken’ by the case before us.” *Id.* at 299. Rather:

On our “less traveled” road, the appellee has not challenged, questioned, or in any way sought to negate his freely accepted status of paternity. The appellant, of course, may not do for him what he has chosen not to do for himself and what, in fact, he sternly opposes. His is an easy road to follow. “And that has made all the difference.” Perhaps instead of mulling with Robert Frost over the possibilities of “two roads diverg[ing] in a wood,” we should simply heed the more prosaic advice of Yogi Berra, “When you come to a fork in the road, take it.”

*Id.* Judge Moylan then dashes to the Court’s holding: appellee’s legal paternity, established by the Affidavit of Parentage, could not be disestablished by mother’s claimed material mistake as to appellee’s lack of biological paternity. *Id.* “Only a signatory [i.e. the appellee] may rescind. The affidavit, even if shown to be wrong, does not rescind itself.” *Id.*

While the opinion “could conveniently end at this point,” Moylan gives an encore to “illustrate a recurrent and generic flaw in appellate argument[.]” *Id.* at 302.

The appellant’s semantic false step is in her failure to acknowledge that in this case, the word “paternity” (or the word “parentage”) has at least two distinct connotations. There is, on the one hand, biological or genetic paternity. There is, quite distinctly, legal paternity. The two are not the same. The appellant declines to recognize, moreover, that she, as an advocate, should never switch connotations or meanings in mid-argument or mid-syllogism for fear of confusing the audience. With respect to the connotation of biological paternity, which is ultimately immaterial in this case, the appellant, to be sure, made a very compelling argument, with which we do not take issue. What the appellant then does, in a graceful performance worthy of Fred Astaire, is to take her conclusion with respect to that biological connotation and to glide with it imperceptibly into the very different forum of the legal connotation. The appellant deftly switches meaning in mid-performance, with the audience never spotting the switch. It would be as if Astaire had launched into his routine with Ginger Rogers but had ended it with Rita Hayworth on his arm. Voila!

*Id.* at 303-04.

### ***“The dolorous refrain of ‘The Tennessee Waltz’”***

In a similar meter, albeit from an earlier time, Judge Moylan illustrates present recollection refreshed by “the brush strokes that may be employed to ‘retouch the fading daguerreotype of memory[.]’” *Baker v. State*, 35 Md. App. 593, 594 (1977). The contention on appeal concerns the appellant’s “claim that the trial judge erroneously

refused her the opportunity to refresh the present recollection of a police witness by showing him a report written by a fellow officer.” *Id.* The appellant “sought to elicit from the officer the fact that the crime victim confronted the appellant and stated that the appellant was not one of these persons who had attacked and robbed him.” *Id.* at 595. Judge Moylan depicts that which may revive a witness’s present recollection.

Not only may the writing to be used as a memory aid fall short of the rigorous standards of competence required of a record of past recollection, the memory aid itself need not even be a writing. What may it be? It may be anything. It may be a line from Kipling or the dolorous refrain of ‘The Tennessee Waltz’; a whiff of hickory smoke; the running of the fingers across a swatch of corduroy; the sweet carbonation of a chocolate soda; the sight of a faded snapshot in a long-neglected album. All that is required is that it may trigger the Proustian moment. It may be anything which produces the desired testimonial prelude, ‘It all comes back to me now.’

*Id.* at 602-03 (footnotes omitted). The judgment is reversed because the appellant’s “appropriate effort . . . to jog the arguably dormant memory of the key police witness on a vital issue was unduly and prejudicially restricted.” *Id.* at 605.

***“Shall she let it ring? No, never! Her eyes flash with sudden light,  
As she springs, and grasps it firmly: ‘Curfew shall not ring to-night!’”  
ROSE HARTWICK THORPE, CURFEW MUST NOT RING TONIGHT (1867).***

The accrual and tolling of statute of limitations is the theme in *Antar v. Mike Egan Insurance Agency, Inc.*, 209 Md. App. 336 (2012). The first movement of the opinion opens as follows:

Early Twentieth Century viewers were frozen to their nickelodeons by the heart-stopping melodrama “Curfew Shall Not Ring Tonight.” With her lover Basil doomed to the gallows at the ringing of the curfew bell, the beleaguered Bess strove heroically and against every manner of complication to hold back the inexorable ticking of the clock.

*Id.* at 337-38. As reflected in the silent film based on the poem by Thorpe, the heroine “climb[ed] to the top of the belfry and strapp[ed] herself to the bell’s clapper to muffle its sound with her battered body.” *Id.* Her daring and sacrifice moved Oliver Cromwell to pardon Basil. Yet, Judge Moylan reveals, the appellants would find no benefit from such a caesura to halt time. With a nod to “‘March of Time’ . . . a prestigious favorite on the moviegoer’s menu of selected short subjects” running between 1935 and 1951 and its “crack-of-doom sign-off,” “our more prosaic caption for the real-life limitations struggle now before us must be ‘Time Marches On.’” *Id.* at 338.

After the appellants' insured building was destroyed in a fire, the insurance company denied the appellants' claim. *Id.* The appellants then made the tactical decision to file suit against the company and insurance broker in Pennsylvania and filed its complaint on February 4, 2008. *Id.* at 339. Six months later, the Pennsylvania trial court dismissed the suit on the grounds of *forum non conveniens*, with leave to refile in Maryland. *Id.* The intermediate appellate court affirmed, and the order was docketed on September 27, 2010. *Id.* Over three years after filing suit in Pennsylvania, on May 18, 2011, the appellants filed suit in the Circuit Court for Baltimore City, and appellees moved to dismiss the suit as time-barred. *Id.* at 339. The circuit court granted the appellees' motion. *Id.* at 339-40.

On appeal, the appellants "contend . . . that the running of the limitations in Maryland should have been tolled for the entire length of time that suit was pending in Pennsylvania." *Id.* at 340. To the appellant, "time went into suspended animation," and "the clock only resumed ticking after the litigation in Pennsylvania was finally concluded." *Id.*

The second movement of the opinion features the statute itself. *Id.* at 341. "As the noun 'Statute' expressly states, we are dealing with a legislative policy determination to establish a definite and certain deadline for the filing of a civil lawsuit, notwithstanding the fact that an occasional injustice or hardship might sometimes result from such an arbitrary and definite legislative pronouncement." *Id.* "[N]o bending of the rule would be permitted." *Id.* at 343. While Maryland Rule 2-101(b) provides a 30-day grace period when a case is filed in the wrong forum, "the appellants did not need the benefit" because they still had two years and seven months after the trial court's dismissal and four months and eight days after the appellate court's order was docketed to refile in Maryland.

Under any of those languid and latitudinarian deadlines, they utterly failed to exhibit a shred of diligence. Dissatisfied by the only relief provided by rule or statute, the appellants would have us invent a new form of relief. We have no such power, even were we so inclined.

*Id.* at 355. Reaching the final movement and culmination of the opinion, Judge Moylan concludes:

#### The Tintinnabulation of the Bell

For these non-diligent and incautious appellants, the curfew bell did ring. With rare, rare exceptions not here applicable, once a cause of action accrues and limitations begin to run, time marches on.

*Id.* at 365.

*“What masques, what dances shall we have,  
To wear away this long age of three hours  
Between our aftersupper and our bedtime?”*

*WILLIAM SHAKESPEARE, A MIDSUMMER NIGHT’S DREAM ACT 5, SCENE 1*

We segue to a Danse Macabre— “Murder most foul, But this, most foul, strange, and unnatural[.]”—in *Hricko v. State*, 134 Md. App. 218, 275 (2000) (quoting WILLIAM SHAKESPEARE, *HAMLET* act 1, sc. 5). From a tale of sordid, fiery passion and lust, Judge Moylan composes an opinion that carefully weaves literary invocations throughout to negotiate the complexities of the contentions on appeal. Again, Judge Moylan’s score rightly predominates, and we interrupt only to keep the count.

The story involves “the melodrama of an estranged wife, desperate to free herself from a marriage gone stale, leaving a trail of false clues and staging her husband’s death so as to make it appear a random accident.” *Id.* at 221. As with *Hamlet* and *A Midsummer Night’s Dream*, this “real-life drama” features a play within a play—a “husband [.] lured to the scene of his fatal poisoning by the reconciliatory promise of a romantic St. Valentine’s weekend at the Harbourtowne Resort in St. Michael’s. A highlight of the getaway weekend was a dinner-theater murder mystery which the dinner guests were invited to solve.” *Id.* “In the real-life drama, the husband died of poison within an hour of returning with his wife to their cottage,” after which his wife staged an accidental cause of death in an effort to conceal the cause of death. *Id.* at 222. The “play within a play was called ‘The Bride Who Cried.’ Our real-life drama may well be called ‘The Widow Who Lied.’” *Id.*

Beginning with the opening line from Tolstoy’s *Anna Karenina* (and framing each section of this schmertzliche tale with a literary reference), Judge Moylan recounts the evidence from the beginning of Steven and Kimberly Hricko’s relationship, “when the domestic skies had been brighter,” including their introduction during a double date with their best friends at State College where “Steve fell in love with Kim immediately.” *Id.* at 223. Before long, “verbal abuse,” Steven’s failure to “do anything,” and Kimberly’s general unhappiness resulted in “low-pitched marital discord”—“such stuff as divorce suits are made of and not the driving force behind murder.” *Id.* at 225-26.

What ignited Kimberly to murder? “Between Thanksgiving and Christmas of 1997, . . . Kimberly’s smoldering discontent burst into raging claustrophobia.” *Id.* at 226. The spark? Judge Moylan renders the lover’s entrance on an occasion when Kimberly served as the matron of honor of a close friend:

At the very outset of that festive week there appeared at the edge of the crowd, like Darcy in *Pride and Prejudice* or Rhett Butler’s dark stranger from Charleston, an enigmatic new figure. Brad Winkler was the 23-year-old cousin of the bride and a sergeant in the United States Marine Corps

assigned to the Pentagon. Though ten years her junior, he immediately caught the eye of the discontented matron of honor.

*Id.* “The smouldering tinder of late November burst into flame in early December,” and Kimberly and Brad began an affair. *Id.* at 227. “As the affair reached the combustion point, the incendiary effect on Kimberly was such that she virtually lost all semblance of control.” *Id.* at 228.

She attempted to enlist an assassin, Kenneth Burges, to murder her husband:

Even as he declined the assassin’s role, Kenneth Burges may nonetheless have planted a deadly seed. As an apparently embarrassed reaction to his initial astonishment, he made the flippant remark, “You work in the operating room . . . **You could just put him to sleep.**”

*Id.* at 229 (emphasis added). “Whether planted by Kenneth Burges or not, the seed grew. So did Kimberly’s apparent compulsion to share her budding *mens rea* with anyone who would listen.” *Id.*

In succeeding conversations with a friend and confidant, “Kimberly’s revelations escalated from her being ‘interested in getting a divorce from Steve’ to revealing ‘that she would kill him.’” *Id.* at 230. Insurance proceeds from Steven’s policy would allow Kimberly and her daughter to “live their life the way they wanted,” and Steven’s death would prevent him from obtaining custody of their daughter or turning her against Kimberly. *Id.*

Once “Kimberly’s intended course of action had become sure,” any attempts to dissuade her from murder were raised to “no avail.” *Id.* at 232-34. “Kimberly had all the answers.” *Id.* at 234. Her drug of choice was Sustinalcolene: “extremely dangerous, extremely fast-acting, and ultimately untraceable.” *Id.* at 235. She knew that the drug was available to her—it was routinely kept in the operating rooms where she worked and not inventoried as closely as narcotics. *Id.* at 236. Kimberly’s friend later revealed the details of the murder plot before a Talbot County jury.

Judge Moylan frames the last few weeks of the Hricko’s marriage, and Steven’s life, with Sir Walter Scott’s admonition: “Oh, what a tangled web we weave, When first we practice to deceive!” *Id.* at 237. He explains: “The last weeks of the Hricko marriage were filled with false hope in the one and false witness in the other.” *Id.* at 237. In contrast to Steven’s efforts “to be both more communicative and more affectionate,” Kimberly’s “own reaction to those changes revealed how the changes were an exercise in futility[.]” *Id.* at 238. While Steven “committed his hopes to his journal,” Kimberly traveled to her lover’s house to “leave Valentine’s Day gifts.” *Id.* at 239.

Finally, we arrive at Harbourtowne, the locus of the romantic Valentine's Day weekend and the scene of the murder. *Id.* at 240.

Steven and Kimberly left the dinner theater and returned to their cottage together at between 10 and 10:30 P.M. Kimberly Hricko walked into the lobby of the resort alone at approximately 1:20 A.M. and reported that her room was on fire. The real-life drama in this case requires filling the gap of that "**long . . . three hours**" between the "aftersupper" in the dining room and the "bedtime" in the cottage. Kimberly Hricko is the only living witness to that interlude and her account was suspiciously flawed.

*Id.* (emphasis added). Kimberly asserted that she left the resort following an argument with Steven and got lost for two hours. *Id.* at 242. She continually referenced Steven's intoxication, but neither the bartender, the bill, nor Steven's autopsy indicated heavy use of alcohol. *Id.* at 244-45. Judge Moylan probes, "[d]id Kimberly's attempted explanation become part of the proof of her guilt[.]" *Id.* at 242. Answer:

It most assuredly did. It is a forensic fact of life that an exculpatory effort that is disbelieved thereby becomes highly inculpatory. In prosecutorial jargon, it is called the "false exculpatory." In the algebra of production burdens, it goes to prove consciousness of guilt.

*Id.* Kimberly's actions in the weeks after the Valentine's Day weekend provide "telling indications of consciousness of guilt." *Id.* at 248. Kimberley's only "firm resolve" regarding the funeral arrangements concerned cremation and the "destruction of yet undetected evidence of poisoning in the body of the victim." *Id.* at 250. Likewise, she sought to discover what, if anything, her confidants had said to the police. *Id.*

After a Talbot County jury convicted Kimberly of first-degree murder and first-degree arson, she challenged, on appeal, the testimony of the State's experts and their role in the "legal sufficiency of the evidence to prove . . . the *corpus delicti* of arson and the *corpus delicti* of murder." *Id.* at 253. Judge Moylan muses:

Kimberly would like to look at the evidence supporting the *corpus delicti* of arson in a vacuum, as if only the physical examination of the fire scene by the Fire Marshal had pertinence and as if all of the other evidence in this case, heretofore discussed in elaborate detail, had no bearing whatsoever on the question. Kimberly would like to look at the evidence supporting the *corpus delicti* of murder in a separate vacuum, as if only the physical examination of Steven Hricko's body by the Medical Examiner had pertinence and as if all of the other evidence in this case . . . had no bearing whatsoever on that question.

Unfortunately, from the defense point of view . . . [t]he State’s case on all charges is an intertwined totality.

*Id.*

As the *corpus delicti* analysis crescendos, Judge Moylan interposes, “Murder, though it have no tongue, **Will Speak.**” *Id.* at 262 (quoting WILLIAM SHAKESPEARE, HAMLET act 1, sc. 2). “It would ultimately be shown that the cigars [found at the scene] were the centerpiece of an elaborate ruse carefully staged by Kimberly to make it appear that Steven had died in an accidental fire caused by careless smoking.” *Id.* at 259.

Kimberly’s “ruse failed utterly.” *Id.* at 261. Without the existence of carbon monoxide or soot in Steven’s lungs, “he was already dead before the fire could have had any effect upon him.” *Id.* The post-mortem examination and the trial testimony of the examining doctor “complemented and fully corroborated all of the State’s other evidence showing that Kimberly Hricko poisoned her husband with Sustinalcolene. The two tributaries of proof converged into a single and inexorable stream of guilt.” *Id.* at 265. Although Kimberly relied on the absence of Sustinalcolene in the autopsy as dispositive evidence that there was no Sustinalcolene, “[I]ike the dog that did not bark in the night in Holmes’s ‘Silver Blaze,’ the utter absence of evidence may proclaim guilt as loudly as any affirmative clue.” *Id.* at 270.

**“’Twas an excellent dance,  
And for a preface I never heard a better.”**  
**JOHN FLETCHER & WILLIAM SHAKESPEARE, THE TWO NOBLE KINSMEN,  
ACT 3, SCENE 5**

As we round out our chase, we lament the steps that we could not take: “the immortal words of Alice,” *Hogan v. State*, 240 Md. App. 470, 489 (2019); “a case of belligerent pillow talk run amok,” *Bynes v. State*, 237 Md. App. 439, 446 (2018); “Albert Einstein’s qualified probabilities to Tom Macauley’s cocksure certainties,” *Morris v. State*, 153 Md. App. 480, 503 (2003); “a Kafkaesque hall of mirrors,” *Glenn v. State*, 68 Md. App. 379, 381 (1986); and “22 days in October of 2002, [when] Montgomery County, Maryland, was gripped by a paroxysm of fear, a fear as paralyzing as that which froze the London district of Whitechapel in 1888.” *Muhammad v. State*, 177 Md. App. 188, 198 (2007) (the Beltway Sniper case).

Still, we hope you enjoyed the dance.