

**DISTRICT OF COLUMBIA COURT OF APPEALS**

No. 23-PR-0541

IN RE: VERNELL E. MCCRIMMON;

ERNESTINE MCCRIMMON, APPELLANT.

Appeal from the Superior Court  
of the District of Columbia  
(2022-ADM-001127)

(Hon. Laura A. Cordero, Motions Judge)



(Argued February 27, 2025)

Decided April 28, 2025)

Before BLACKBURN-RIGSBY, *Chief Judge*, MCLEESE, *Associate Judge*, and  
WASHINGTON, *Senior Judge*.

**MEMORANDUM OPINION AND JUDGMENT**

PER CURIAM: Appellant, Ernestine McCrimmon (Ms. McCrimmon), appeals an interlocutory order of the Probate Division of the Superior Court requiring her to turn possession of a property located at 2211 Lawrence St. NE, Washington, D.C. (the Property) over to the representative of her mother's estate (the Estate), Linda McCrimmon (the Personal Representative). Because the Property has twice been sold while Ms. McCrimmon's appeal was pending, it is impossible to return it to her. For that reason, we dismiss as moot Ms. McCrimmon's appeal challenging the Superior Court's order requiring her to vacate the premises and turn the Property over to the Estate. Further, having determined that the issues involving possession of the Property are moot, consistent with our limited jurisdiction under D.C. Code § 11-721(a)(2)(C), and there being no other issues before us that could change or affect the possession of the Property, we decline to exercise our interlocutory or pendant jurisdiction to reach the remaining issues raised by Ms. McCrimmon in this appeal, reserving those issues for any final order review that may be requested. Accordingly, the interlocutory appeal in this case is dismissed as moot.

**I. Background**

Ms. McCrimmon had resided at the Property for over sixty years—first with her mother, who was the sole owner of the Property, and after her mother passed

away. Roughly a month before the fifteenth-year anniversary of her mother's death, Ms. McCrimmon's sister, Linda McCrimmon, filed a petition to probate her mother's estate, seeking to become its personal representative. The petition listed, among other things, the Property as part of her mother's estate, and several individuals, including Ms. McCrimmon, as beneficiaries. The Probate Division of the Superior Court granted the petition and the Personal Representative's counsel "mailed a certified letter" notifying Ms. McCrimmon at the Property's address.

After Ms. McCrimmon failed to respond, the Personal Representative's counsel made several additional attempts to contact her—via telephone and mail—but to no avail. The Estate, also an appellee in the present matter, then filed a petition (Show Cause petition) pursuant to Super. Ct. Prob. R. 118 for Ms. McCrimmon to "show cause as to the reasons she should not return control of [the Property] to the Estate."<sup>1</sup> The Probate Division conducted a hearing on the petition at which Ms. McCrimmon appeared pro se.

There, Ms. McCrimmon sought to retain possession of the Property by claiming to have title. Namely, she contended that her father and mother's ex-husband both assigned their rights to the Property to her. After reviewing the two documents purportedly assigning these rights, the Superior Court rejected Ms. McCrimmon's claims as "neither document establishe[d] that Ms. McCrimmon ha[d] legal title to or full ownership of the . . . Property."<sup>2</sup> Ms. McCrimmon subsequently pleaded with the Superior Court to allow her to retain possession of the Property because it was her "home," because she had resided there for over "[sixty] years," and because she had maintained and made improvements to the Property over those years.

The Superior Court rejected Ms. McCrimmon's pleas. It found that she had failed to "establish that she ha[d] legal title or ownership of the . . . Property" and that the Property therefore belonged to the Estate. The Superior Court consequently ordered Ms. McCrimmon to vacate the Property within two months of the hearing

---

<sup>1</sup> See also D.C. Code § 20-105 (establishing a presumption that "[a]ll [the] property of [the] decedent" automatically "pass[es] directly to the personal representative" of the decedent's estate, "who . . . hold[s] the legal title for [the] administration and distribution of the estate.")

<sup>2</sup> Ms. McCrimmon does not challenge this finding on appeal.

and to allow the Personal Representative “unfettered access” in the interim for purposes of administering the Estate.

Ms. McCrimmon appealed pursuant to D.C. Code § 11-721(a)(2)(C), which grants us jurisdiction to review interlocutory orders that “chang[e] or affect[] the possession of property.” *Id.*<sup>3</sup> She claims here that the Superior Court “wrongfully dispossessed” her of the Property and seeks reversal of its finding that she failed to prove that she had lawful title and its order requiring her to relinquish possession to the Personal Representative. She contends that the Superior Court deprived her of her Due Process rights under the Fourteenth Amendment and her right to special care as a pro se litigant by failing to construe her arguments at the hearing—namely those relating to her long-term possession of the Property and efforts to maintain and improve it—as a plea of title based on adverse possession. She requests that we remand “for further proceedings into whether [she] has a good claim for adverse possession.”

While Ms. McCrimmon’s appeal was pending, she was evicted from the Property in accordance with the Superior Court’s orders. The Estate subsequently sold the Property, and the purchaser sold it again. Ms. McCrimmon never moved to stay the sale pending her appeal.

---

<sup>3</sup> In her reply brief, Ms. McCrimmon claims for the first time that we also have jurisdiction to review the Superior Court’s order under D.C. Code § 11-721(a)(1), which confers upon us jurisdiction to review “final orders and judgments of the Superior Court.” We decline to address Ms. McCrimmon’s contention that the Superior Court’s order was final as it is the “longstanding policy of this court not to consider arguments raised for the first time in a reply brief.” *Aeon Fin., LLC v. District of Columbia*, 84 A.3d 522, 530 (D.C. 2014) (quoting *Marshall v. United States*, 15 A.3d 699, 711 n.2 (D.C. 2011)). We opt not to “deviate” from this policy especially because Ms. McCrimmon does not identify a “specific reason” for us to and because her argument would require us to “delve into complex and seemingly difficult procedural and jurisdictional issues.” *Id.*

## II. Analysis

D.C. Code § 11-721(a)(2)(C) confers upon us jurisdiction to review interlocutory orders that “chang[e] or affect[] the possession of property.” *Id.* Ms. McCrimmon seeks reversal of the Superior Court’s order obligating her to turn possession of the Property over to her sister, the personal representative of their late mother’s estate. Unfortunately for Ms. McCrimmon, the relief she seeks can no longer be provided to her because the Property has twice been sold, and both parties agree that it cannot be returned to her or to the Estate. Accordingly, even if we were to agree with Ms. McCrimmon that she was deprived of certain Due Process and special care protections, it is impossible to fashion effective relief for her consistent with our limited appellate interlocutory jurisdiction. We therefore dismiss her appeal as moot. *See Pub. Media Lab, Inc. v. District of Columbia*, 276 A.3d 1, 7 n.4 (D.C. 2022) (explaining that while we are not strictly bound by the case and controversy requirements of Article III of the U.S. Constitution, we do not “normally decide moot cases” (quoting *Cropp v. Williams*, 841 A.2d 328, 330 (D.C. 2004))); *Thorn v. Walker*, 912 A.2d 1192, 1195 (D.C. 2006) (holding that an appeal is moot when it is “impossible” to “fashion effective relief” for the appellant (first quoting *Settlemyre v. D.C. Off. of Emp. Appeals*, 898 A.2d 902, 905 (D.C. 2006); and then *Graveyard Creek Ranch, Inc. v. Bell*, 116 P.3d 779, 781 (Mont. 2005))).

We arrived at the same conclusion in an analogous situation in *Thorn*. There, the appellant, Thorn, entered into a contract selling her property to the Walkers, the appellees. *Thorn*, 912 A.2d at 1193. Thorn subsequently changed her mind, and the Walkers sued for specific performance. *Id.* at 1193-94. The Walkers prevailed, and the Superior Court ordered Thorn to convey the property to the Walkers. *Id.* at 1194. Thereafter, Thorn moved for a new trial based on newly discovered evidence purportedly showing that the Walkers had violated a provision of the contract. *Id.* The Superior Court dismissed Thorn’s motion, and she appealed. *Id.* While Thorn’s appeal was pending, she complied with the Superior Court’s original order to convey the property to the Walkers. *Id.* at 1194-95. She never moved to stay the sale pending her appeal and simply accepted the purchase price. *Id.* at 1196.

Based on the record in that case, we dismissed Thorn’s appeal as moot. *Id.* at 1198. We noted that Thorn did not explain what relief she was seeking on appeal other than the possible “return” of the property “to her.” *Id.* at 1197. Because such relief was “not possible” as Thorn had already conveyed the property to the Walkers and “no longer ha[d] any right to possess it,” we held that it was impossible to fashion effective relief for her. *Id.* 1196-97.

Similarly, here, it is impossible to fashion effective relief for Ms. McCrimmon. She seeks reversal of the Superior Court's order requiring her to relinquish possession of the Property to the Estate. As in *Thorn*, such relief is impossible because the Property has been lawfully conveyed to someone other than Ms. McCrimmon. In fact, the situation here is more fraught than that in *Thorn*. There, the property at issue was held by a party before the court; here, a third party not before the court possesses the Property. *Cf. Smith v. Wells Fargo Bank*, 991 A.2d 20, 24-25 (D.C. 2010) (holding that the appeal was not moot because the purchaser of the property was a party to the action).

Ms. McCrimmon attempts to distinguish her case from *Thorn* by arguing that her case is not moot because if we reverse the Superior Court's finding that she lacked title to the Property, she can seek damages for its wrongful inclusion as part of the Estate and subsequent sale. While Ms. McCrimmon ultimately may be able to prove that the Superior Court erred in finding that the Property did not belong to her, such a determination at this point would be premature as the record on the question of title is inadequate for our review and, in any event, would not change or affect the possession of the Property (as is required by D.C. Code § 11-721(a)(2)(C)) since the Property has already been sold to a third party. Because a decision on whether the Superior Court erred in finding that Ms. McCrimmon lacked title cannot "chang[e] or affect[] the possession" of the Property, we need not address it in this interlocutory appeal. D.C. Code § 11-721(a)(2)(C). Certainly, Ms. McCrimmon can challenge that determination after a final disposition of the probate case, assuming that the issue has been preserved for our final order review.

Further, although during oral argument it was suggested that the probate case is still ongoing, it is not clear to us the nature of the ongoing estate disposition, so a remand to more fully address whether title to the Property was properly determined raises significant concerns. As far as we are aware, Ms. McCrimmon never filed a responsive pleading to the Estate's Show Cause petition in which she could have sought damages, so a remand to address that issue at this point in the Estate's probate proceeding would be better left to the Superior Court's discretion. *See Farris v. District of Columbia*, 257 A.3d 509, 517 (D.C. 2021) (holding that the Superior Court has discretion to permit a party to raise claims that they failed to raise previously). In any event, the resolution of that issue would "not chang[e] or affect[]"

the possession” of the Property, so we need not address any of those ancillary issues as part of our review of this appeal under D.C. Code § 11-721(a)(2)(C).<sup>4</sup>

### III. Conclusion

For the foregoing reasons, the appeal in this case is

*Dismissed.*

ENTERED BY DIRECTION OF THE COURT:



JULIO A. CASTILLO  
Clerk of the Court

---

<sup>4</sup> We further decline to exercise pendent appellate jurisdiction to review the Superior Court’s determination regarding title because the issue of title is not “*inextricably intertwined*” with the issue of possession, nor is review of the former issue necessary to “ensure meaningful review of” the latter. *See District of Columbia v. Simpkins*, 720 A.2d 894, 900 (D.C. 1998) (emphasis added) (listing “criteria for determining” whether to “exercise pendent jurisdiction” including (1) “whether the nonappealable issue is *inextricably intertwined* with the immediately appealable issue” and (2) “whether review of the nonappealable issue would be necessary to ensure meaningful review of the appealable issue” (emphasis in original) (citing *Swint v. Chambers Cnty. Comm’n*, 514 U.S. 35, 51 (1995))). As explained above, we resolve Ms. McCrimmon’s appeal of the Superior Court’s order concerning possession on mootness grounds without any resort to discussion of title. Further, as also explained above, the record on the issue of title is currently inadequate for our review. *See id.* (citing *Gilda Marx, Inc. v. Wildwood Exercise, Inc.*, 85 F.3d 675, 679 (D.C. Cir. 1996)).

Copies emailed to:

Honorable Laura A. Cordero

Director, Probation Division

Copies e-served to:

John K. Blake, Esquire

Robert W. Lannan, Esquire

Copies mailed to:

Linda McCrimmon  
1432 Sheridan Street NW  
Washington DC 20011

Gary Bonner  
2601 18<sup>th</sup> Street, NE  
Washington DC 20018

Michelle Bonner  
6500 Atwood Street  
District Heights MD 20747

Mikeisha V. Bonner  
1400 Fairmont Street NW  
Apt. No. 315  
Washington DC 20009