

COURT OF APPEALS OF MARYLAND

State v. Clements, 461 Md. 280

192 A.3d 686 (2018) · No. No. 57, September Term, 2017 · Decided August 29, 2018

SUMMARY

The Maryland Court of Appeals held that a circuit court's order granting a motion under Maryland Rule 4-345(a) to correct an illegal sentence and vacating the existing sentence is interlocutory when no new sentence has yet been imposed. The State therefore lacked authority to appeal under Maryland Courts and Judicial Proceedings Article § 12-302(c)(3)(ii) at that stage. The court affirmed the dismissal of the State's appeal by the Court of Special Appeals.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Chief Judge Barbera; Barbera, C.J.; Greene; Adkins; McDonald; Watts; Hotten; Getty
JURISDICTION	Maryland
DECIDED	August 29, 2018
DOCKET	No. 57, September Term, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State sought review of the dismissal of its appeal from a circuit court order granting Phillip Clements's Maryland Rule 4-345(a) motion to correct an illegal sentence and vacating his existing sentence without yet imposing a new sentence.
STANDARD OF REVIEW	Whether a circuit court order is appealable is a question of law reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the highest court of Maryland
PARTIES	State of Maryland v. Phillip James Clements

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Court of Special Appeals erred in dismissing the State's appeal from the circuit court's order granting a Maryland Rule 4-345(a) motion and vacating the existing sentence without imposing a new sentence.
2. Whether the circuit court erred in considering and granting Clements's motion to correct an illegal sentence.

HOLDINGS

1. A motion under Maryland Rule 4-345(a), and an order granting or denying that motion, are part of the underlying criminal proceeding rather than a wholly independent civil action.
2. The State may not appeal from an order granting a Rule 4-345(a) motion and vacating an existing sentence when the circuit court has not yet imposed a new sentence, because the order is not a final judgment that imposed or modified a sentence.

KEY QUOTATIONS

“Motions to correct an illegal sentence under Rule 4-345(a) are part of the underlying criminal proceedings.”
(at 10-11)

“The trial court’s order therefore was interlocutory: it was a step toward the imposition of a new sentence—it was not, however, either a final judgment that “imposed” a sentence or a final judgment that “modified” a sentence.” (at 13)

“We hold that the circuit court’s grant of Clements’s Rule 4-345(a) motion to correct an illegal sentence and vacation of the sentence imposed in 1989 was an interlocutory order that will not become a final judgment triggering the State’s right to appeal pursuant to CJP § 12-302(c)(3)(ii) until such time as the circuit court imposes a new sentence.” (at 14)

FACTUAL BACKGROUND

In 1989, seventeen-year-old Phillip Clements committed multiple violent offenses, including three murders and two attempted murders, after entering the apartment of a former girlfriend's grandmother to obtain money. He was tried as an adult and received five consecutive life sentences with the possibility of parole, plus concurrent sentences for lesser offenses. Decades later, he challenged the aggregate sentence under United States Supreme Court precedent concerning juvenile sentencing, and the circuit court vacated the sentence pending a new sentencing hearing.

PROCEDURAL HISTORY

Clements was convicted and sentenced in the Circuit Court for Prince George's County in 1989. In 2016, he moved under Maryland Rule 4-345(a) to correct an illegal sentence based on juvenile-sentencing decisions of the United States Supreme Court. The circuit court granted the motion, vacated the original sentence, and scheduled resentencing. The Court of Special Appeals dismissed the State's appeal for lack of a final judgment, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Monarch Acad. Balt. Campus, Inc. v. Balt. City Bd. of Sch. Comm'rs, 457 Md. 1, 40 (2017)
- Ruby v. State, 353 Md. 100, 106-07 (1999)
- State v. Kanaras, 357 Md. 170, 177, 183-84 (1999)
- State v. Manck, 385 Md. 581, 597 (2005)
- State v. Rice, 447 Md. 594, 617 (2016)
- Hoile v. State, 404 Md. 591, 597-601, 612, 618-19 (2008)
- Lewis v. State, 289 Md. 1, 4 (1980)
- Tweedy v. State, 380 Md. 475, 496 (2004)
- Campbell v. State, 373 Md. 637, 665 (2003)
- Webster v. State, 359 Md. 465, 491 (2000)
- Graham v. Florida, Graham v. Florida, 560 U.S. 48 (2010)
- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460 (2012)
- Montgomery v. Louisiana, 136 S. Ct. 718 (2016)
- Tatum v. Arizona, 137 S. Ct. 11 (2016)
- State v. Clements, No. 2607, Sept. Term 2016, 2017 WL 4117887, at *2-*3 (Md. Ct. Spec. App. Sept. 15, 2017)
- State v. Clements, 456 Md. 82 (2017)
- Clements v. Corcoran, No. CA-98-2086-CCB (D. Md. Mar. 11, 1999)