

COURT OF APPEALS OF MARYLAND

Grandison v. State, 425 Md. 34

38 A.3d 352 (2012) · No. No. 117, Sept. Term, 2010 · Decided February 22, 2012

SUMMARY

The Maryland Court of Appeals considered Anthony Grandison’s challenges to the denial of several post-conviction motions arising from his capital murder convictions and death sentences. The court held that Grandison had no right to appointed counsel during the collateral proceedings, exercised discretion to consider issues despite a defective appellate filing, and affirmed the circuit court’s denial and dismissal of his motions.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Adkins, J.; Bell, C.J.; Harrell, J.; Greene, J.; Lawrence F. Rodowsky, J. (retired, specially assigned); Irma S. Raker, J. (retired, specially assigned); Alan M. Wilner, J. (retired, specially assigned)
JURISDICTION	Maryland
DECIDED	February 22, 2012
DOCKET	No. 117, Sept. Term, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Grandison appealed the Circuit Court for Somerset County's denial and dismissal of motions to reopen postconviction proceedings, correct an illegal sentence, obtain a new resentencing hearing or belated appeal, and obtain a new trial. The Court of Special Appeals transferred the case to the Court of Appeals of Maryland.
STANDARD OF REVIEW	The court reviewed the denial of a motion for a new trial generally for abuse of discretion, or for legal error when the motion asserted an undiscovered trial error. It reviewed preservation and waiver issues under the applicable statutes and rules. The court treated the appointment-of-counsel determination for reopened postconviction proceedings as a discretionary statutory determination and reviewed the circuit court's decision for error or abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Anthony Grandison v. State of Maryland

TOPICS

state post-conviction relief successive petitions right to counsel sentencing appellate procedure

PRACTICE AREAS

state post-conviction relief capital punishment criminal procedure appellate procedure right to counsel

QUESTIONS PRESENTED

1. Whether an indigent capital defendant has a constitutional or statutory right to appointed counsel for collateral motions filed years after trial, direct appeal, and prior postconviction proceedings.
2. Whether the court should dismiss several questions because Grandison filed a notice of appeal rather than an application for leave to appeal.
3. Whether the postconviction proceeding should be reopened to consider an allegedly racially discriminatory use of peremptory strikes.
4. Whether *Crawford v. Washington* applies retroactively in Maryland postconviction proceedings.
5. Whether pre-marked mitigating circumstances on the capital sentencing form warranted reopening postconviction proceedings.
6. Whether Grandison was entitled to resentencing or a belated appeal concerning a letter sent to the jury.
7. Whether the reasonable-doubt instruction at the 1984 trial was reviewable despite the failure to object.
8. Whether later execution-regulation issues rendered Grandison's death sentence illegal or violated the Ex Post Facto Clause.
9. Whether the circuit court abused its discretion in denying a new trial based on alleged perjury, suppressed evidence, undisclosed mental illness, or failure to bifurcate capital sentencing.
10. Whether the death sentence was illegal because the aggravating circumstance involved an agreement to hire another person to commit murder.

HOLDINGS

1. A defendant has no constitutional or statutory right to appointed counsel for collateral motions filed after the criminal trial, direct appeal, and prior postconviction proceedings, including a motion to reopen postconviction proceedings under Maryland Criminal Procedure § 7-104.
2. Whether to require strict compliance with Maryland Rules 8-204 and 8-306 is discretionary; in this capital case, the court would consider Grandison's arguments despite his filing a notice of appeal rather than a properly captioned application for leave to appeal.
3. Grandison waived the jury-selection, sentencing-form, and reasonable-doubt-instruction claims by failing to raise them in prior proceedings and by failing to establish special circumstances excusing the omissions.
4. *Crawford's* Confrontation Clause rule need not be applied retroactively to Grandison's final conviction in Maryland postconviction proceedings.

5. The death sentence was not rendered illegal by defects in Maryland's former lethal-injection regulations or by the possibility that new regulations would be adopted after sentencing.
6. Grandison's death sentences were proper because the statutory aggravating circumstance applied when he employed Evans to commit the murders pursuant to an agreement for remuneration; the claim was also an impermissible attempt to relitigate previously decided sufficiency issues.

KEY QUOTATIONS

“Postconviction relief is even further removed from the criminal trial than is discretionary direct review.”
(425 Md. at 365)

“We therefore affirm the Circuit Court's denial and dismissal of Grandison's motions” (425 Md. at 378)

FACTUAL BACKGROUND

Grandison was convicted in 1984 of first-degree murder for arranging the killings of two people and received death sentences. His sentences were later vacated through postconviction proceedings, but a jury imposed two death sentences at a 1994 resentencing, which were affirmed. Years later, while pursuing additional collateral motions, Grandison discharged appointed counsel and proceeded pro se for portions of the proceedings; the circuit court declined to require the Public Defender to appoint replacement counsel.

PROCEDURAL HISTORY

Grandison was convicted of two first-degree murders and sentenced to death. After prior direct appeals, resentencing, state postconviction proceedings, and federal habeas proceedings, he filed numerous additional collateral motions. The Circuit Court denied or dismissed the motions, including his request for appointment of counsel after he discharged appointed counsel. The Court of Appeals exercised direct jurisdiction over the capital case, declined to dismiss several questions for appellate-procedure deficiencies, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Grandison v. State, 390 Md. 412, 889 A.2d 366 (2005)
- Pennsylvania v. Finley, 481 U.S. 551 (1987)
- Office of the Public Defender v. State, 413 Md. 411, 993 A.2d 55 (2010)
- Blake v. State, 395 Md. 213, 909 A.2d 1020 (2006)
- State v. Campbell, 385 Md. 616, 870 A.2d 217 (2005)
- State v. Tichnell, 306 Md. 428, 509 A.2d 1179 (1986)
- McElroy v. State, 329 Md. 136, 617 A.2d 1068 (1993)
- Crawford v. Washington, 541 U.S. 36 (2004)
- Whorton v. Bockting, 549 U.S. 406 (2007)

- Danforth v. Minnesota, 552 U.S. 264 (2008)
- Evans v. State, 396 Md. 256, 914 A.2d 25 (2006)
- Tichnell v. State, 287 Md. 695, 415 A.2d 830 (1980)
- Johnson v. State, 292 Md. 405, 439 A.2d 542 (1982)
- Merritt v. State, 367 Md. 17, 785 A.2d 756 (2001)
- State v. Rose, 345 Md. 238, 691 A.2d 1314 (1997)
- Abeokuto v. State, 391 Md. 289, 893 A.2d 1018 (2006)
- Robinson v. State, 410 Md. 91, 976 A.2d 1072 (2009)
- Basoff v. State, 208 Md. 643, 119 A.2d 917 (1956)
- Grandison v. State, 305 Md. 685, 506 A.2d 580 (1986)
- Grandison v. State, 341 Md. 175, 670 A.2d 398 (1995)
- Grandison v. State, 351 Md. 732, 720 A.2d 322 (1998)
- Grandison v. Corcoran, 78 F. Supp. 2d 499 (D. Md. 2000)
- Miller v. State, 185 Md. App. 293, 970 A.2d 332 (2009)
- Britton v. State, 201 Md. App. 589, 30 A.3d 236 (2011)
- Doering v. Fader, 316 Md. 351, 558 A.2d 733 (1989)
- Conyers v. State, 354 Md. 132, 729 A.2d 910 (1999)
- Foley v. K. Hovnanian at Kent Island, LLC, 410 Md. 128, 978 A.2d 222 (2009)
- State v. Daughtry, 419 Md. 35, 18 A.3d 60 (2011)
- Gray v. State, 388 Md. 366, 879 A.2d 1064 (2005)
- Grayson v. State, 354 Md. 1, 728 A.2d 1280 (1999)
- Rutherford v. Rutherford, 296 Md. 347, 464 A.2d 228 (1983)
- Sites v. State, 300 Md. 702, 481 A.2d 192 (1984)
- Palko v. Connecticut, 302 U.S. 319 (1937)
- Rochin v. California, 342 U.S. 165 (1952)
- State v. Hutchinson, 287 Md. 198, 411 A.2d 1035 (1980)
- Oken v. State, 343 Md. 256, 681 A.2d 30 (1996)
- Simmons v. State, 333 Md. 547, 636 A.2d 463 (1994)
- State v. Snowden, 385 Md. 64, 867 A.2d 314 (2005)
- Teague v. Lane, 489 U.S. 288 (1989)
- Evans and Grandison v. State, 301 Md. 45, 481 A.2d 1135 (1984)

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