

APPELLATE COURT OF MARYLAND

Robert Laverne Wittwer v. State of Maryland

Wittwer · No. No. 2006, September Term, 2024 · Decided May 1, 2026

SUMMARY

The Appellate Court of Maryland affirmed the denial of Robert Laverne Wittwer’s motion to correct an illegal sentence under Maryland Rule 4-345(a). The court held that removal of the case from Anne Arundel County to Howard County changed venue rather than subject matter jurisdiction, and that Wittwer waived any venue objection. The court further held that the State was not required to refile its notice seeking life without parole after the transfer and that challenges to the plea colloquy were not cognizable under the illegal-sentence rule.

CASE DETAILS

COURT	Appellate Court of Maryland
WRITING FOR THE COURT	Wells, C.J.; Friedman, J.; Zic, J.
JURISDICTION	Maryland
DECIDED	May 1, 2026
DOCKET	No. 2006, September Term, 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wittwer appealed the Circuit Court for Anne Arundel County’s denial of his motion to correct an illegal sentence under Maryland Rule 4-345(a).
STANDARD OF REVIEW	De novo review applies to whether a sentence is illegal and whether an alleged defect is cognizable under Maryland Rule 4-345(a).
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Robert Laverne Wittwer v. State of Maryland

TOPICS

- sentencing
- criminal procedure
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Sentencing
- Guilty pleas
- Post-conviction relief
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the Circuit Court for Anne Arundel County lacked subject matter jurisdiction to accept Wittwer's guilty plea and impose sentence after the case was removed to Howard County for trial.
2. Whether the State's failure to refile its notice of intent to seek life without parole in Howard County rendered Wittwer's sentence illegal.
3. Whether the alleged failure to establish on the record that Wittwer understood the nature of the first-degree-murder charge rendered his conviction and sentence illegal or otherwise cognizable under Maryland Rule 4-345(a).

HOLDINGS

1. A motion to correct an illegal sentence under Maryland Rule 4-345(a) reaches only an illegality inherent in the sentence itself: a sentence not permitted by law or imposed when no sentence should have been imposed. It is not an alternative means of obtaining belated appellate review of antecedent proceedings.
2. Removal of a criminal case from one Maryland circuit court to another under Maryland Rule 4-254(b) is a change of venue, not a divestiture of the originating circuit court's subject matter jurisdiction.
3. An objection to improper venue must be raised by motion before trial under Maryland Rule 4-252; failure to object waives the challenge. A waived venue objection is not cognizable through a Rule 4-345(a) motion.
4. When a removal order transfers only the trial phase, proceedings not encompassed by the order remain properly in the originating court; a guilty plea accepted during a retained pretrial proceeding is validly entered there.
5. A horizontal venue transfer between Maryland circuit courts does not require the State to refile documents previously filed in the originating court. A properly filed notice of intent to seek life without parole travels with the case.
6. A challenge to the adequacy or voluntariness of a guilty-plea colloquy concerns a procedural defect in the plea proceedings, not an illegality inherent in the sentence, and must be raised through an application for leave to appeal or post-conviction relief rather than Rule 4-345(a).
7. Maryland Rule 4-242(c) does not require the court to recite the precise legal elements of an offense on the record before accepting a guilty plea. The defendant must have a basic understanding of the essential substance of the charge, assessed under the totality of the circumstances.

KEY QUOTATIONS

"We have consistently defined this category of "illegal sentence" as limited to those situations in which the illegality inheres in the sentence itself; i.e., there either has been no conviction warranting any sentence for the particular offense or the sentence is not a permitted one for the conviction upon which it was imposed and, for either reason, is intrinsically and substantively unlawful." (4)

"For the foregoing reasons, we hold the circuit court did not err in denying Wittwer's Motion to Correct Illegal Sentence. Wittwer's sentence of life imprisonment without the possibility of parole for first-degree murder is not illegal within the narrow meaning of Maryland Rule 4-345(a)." (15)

FACTUAL BACKGROUND

Wittwer was indicted for first-degree murder and conspiracy to commit murder arising from the stabbing death of a fellow inmate. The State filed a notice seeking the death penalty and life without parole, and the case was removed from Anne Arundel County to Howard County for trial under Maryland Rule 4-254(b)(1). The removal order retained pretrial and preliminary motions in Anne Arundel County, and Wittwer pleaded guilty during such a proceeding there in exchange for dismissal of the conspiracy charge, withdrawal of the death-penalty notice, and a recommended sentence of life without parole. He later challenged the resulting sentence based on venue, the State's failure to refile its sentencing notice in Howard County, and the adequacy of the plea colloquy.

PROCEDURAL HISTORY

Wittwer pleaded guilty to first-degree murder in the Circuit Court for Anne Arundel County and received a sentence of life imprisonment without the possibility of parole. The case had been removed to Howard County for trial, but a specially assigned judge retained pretrial and preliminary proceedings in Anne Arundel County, where the plea was accepted. In 2024, Wittwer filed a motion to correct an illegal sentence and a petition for post-conviction relief; the post-conviction petition was dismissed as untimely, and the motion to correct the sentence was denied. The Appellate Court of Maryland affirmed.

DISPOSITION

affirmed

CASES CITED

- Hamrick v. State, 263 Md. App. 270, 282 (2024)
- Farmer v. State, 481 Md. 203, 222 (2022)
- Tshiwala v. State, 424 Md. 612, 619 (2012)
- Chaney v. State, 397 Md. 460, 466 (2007)
- Johnson v. State, 427 Md. 356, 378 (2012)
- Smith v. State, 31 Md. App. 106, 111 (1976)
- Pantazes v. State, 376 Md. 661, 675, 678 (2003)
- Smith v. State, 116 Md. App. 43, 52-53 (1997)
- McBurney v. State, 280 Md. 21, 31 (1977)
- Johnson v. State, 258 Md. 597, 602-03 (1970)
- Boyd v. State, 79 Md. App. 53, 59 (1989)
- Crosby v. State, 71 Md. App. 56 (1987)
- In re Darren M., 358 Md. 104 (2000)
- Powers v. State, 70 Md. App. 44 (1987)
- Howard v. State, 32 Md. App. 75 (1976)
- Cooke v. Cooke, 41 Md. 362, 371-72 (1875)
- Hammersla v. State, 184 Md. App. 295, 313 (2009)

- Gregg v. State, 377 Md. 515, 542 (2003)
- State v. Daughtry, 419 Md. 35, 71 (2011)
- Henderson v. Morgan, 426 U.S. 637, 645 n.13, 647 (1976)
- State v. Priet, 289 Md. 267, 269, 288-91 (1981)

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