

COURT OF APPEALS OF MARYLAND

State of Maryland v. James Green, Jr., 367 Md. 61

785 A.2d 1275 (2001) · No. No. 23, Sept. Term, 2000 · Decided December 7, 2001

SUMMARY

The Maryland Court of Appeals held that the State does not have a common-law right to appeal an allegedly illegal criminal sentence, overruling *Cardinell v. State*. The court nevertheless held that the State's appeal was authorized by Maryland Courts and Judicial Proceedings § 12-302(c)(2), because the circuit court had improperly modified a mandatory sentence imposed under Maryland Code Article 27 § 643B(c).

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Bell, C.J.; Eldridge, J.; Rodowsky, J.; Raker, J.; Wilner, J.; Cathell, J.; Harrell, J.
JURISDICTION	Maryland
DECIDED	December 7, 2001
DOCKET	No. 23, Sept. Term, 2000
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed the Circuit Court for Prince George's County's modification of Green's criminal sentence. Green moved to dismiss, arguing that the State lacked appellate jurisdiction. The Court of Appeals of Maryland granted Green's petition for a writ of certiorari before proceedings in the Court of Special Appeals.
STANDARD OF REVIEW	Questions of appellate jurisdiction and statutory interpretation were reviewed de novo. The legality and authority of the circuit court's sentence modification were determined as questions of law.
PRECEDENTIAL VALUE	published and precedential
PARTIES	State of Maryland v. James Green, Jr.

TOPICS

- appellate jurisdiction
- appellate procedure
- sentencing
- statutory interpretation
- criminal procedure

PRACTICE AREAS

criminal appellate procedure

criminal sentencing

statutory interpretation

QUESTIONS PRESENTED

1. Whether Maryland law recognizes a common-law right for the State to appeal an allegedly illegal criminal sentence.
2. Whether Courts and Judicial Proceedings Article § 12-302(c)(2) authorized the State's appeal from the circuit court's modification of Green's mandatory sentence.
3. Whether a sentence imposed under article 27, § 643B(c) could be modified by committing the defendant for treatment under Health-General Article § 8-507.
4. Whether the circuit court's modified sentence constituted a failure to impose the sentence specifically mandated by the Code.

HOLDINGS

1. The State does not have a common-law right under Maryland law to appeal an allegedly illegal criminal sentence. *Cardinell v. State*, 335 Md. 381, 644 A.2d 11 (1994), was overruled.
2. Section 12-302(c)(2) expressly authorized the State to appeal because the circuit court failed to impose the sentence specifically mandated by the Code when it modified Green's mandatory § 643B(c) sentence.
3. A defendant sentenced under article 27, § 643B(c) is not eligible for modification of that mandatory sentence through commitment for treatment under Health-General Article § 8-507.

KEY QUOTATIONS

"We shall hold that the State does not have a common law right to appeal a criminal sentence, in the process overruling our decision in Cardinell v. State, 335 Md. 381, 644 A.2d 11 (1994), but that its appeal in this case is expressly authorized by § 12-302(c)(2)." (785 A.2d at 1276)

"Today, we announce that the State does not, under Maryland law, enjoy a common law right to appeal an allegedly illegal criminal sentence, thus, overruling our prior decision in Cardinell." (785 A.2d at 1285)

"By modifying the petitioner's mandatory sentence, the trial court failed to impose the sentence specifically mandated by the Code; thus, the State had a right of direct appeal under § 12-302(c)(2)." (785 A.2d at 1288)

FACTUAL BACKGROUND

Green pleaded guilty to multiple offenses, including robbery with a deadly weapon and motor vehicle manslaughter. On March 28, 1994, the circuit court sentenced him as a repeat violent offender under Maryland Code article 27, § 643B(c), to twenty-five years' imprisonment without parole for the robbery conviction and a concurrent ten-year term for motor vehicle manslaughter. After an inaccurate commitment record was corrected, Green filed motions challenging and seeking modification of his sentences; the circuit court ultimately committed him for treatment under Health-General Article § 8-507 despite the mandatory sentencing provision.

PROCEDURAL HISTORY

Green pleaded guilty and received a mandatory twenty-five-year sentence without parole under Maryland Code article 27, § 643B(c), plus a concurrent ten-year sentence. Years later, the circuit court granted or acted upon untimely motions seeking sentence modification and committed Green for treatment under Health-General Article § 8-507. The State appealed, and the Court of Appeals granted certiorari to decide both whether the State could appeal and whether the circuit court could modify the mandatory sentence.

DISPOSITION

reversed

CASES CITED

- Cardinell v. State, 335 Md. 381, 644 A.2d 11 (1994)
- State ex rel. Sonner v. Shearin, 272 Md. 502, 325 A.2d 573 (1974)
- Prince George's County v. Beretta U.S.A. Corp., 358 Md. 166, 747 A.2d 647 (2000)
- Gisriel v. Ocean City Board of Elections, 345 Md. 477, 693 A.2d 757 (1997), cert. denied, 522 U.S. 1053 (1998)
- Robinson v. State, 353 Md. 683, 728 A.2d 698 (1999)
- Townsend v. Bethlehem-Fairfield Shipyard, Inc., 186 Md. 406, 47 A.2d 365 (1946)
- Planned Parenthood v. Casey, 505 U.S. 833, 112 S. Ct. 2791, 120 L. Ed. 2d 674 (1992)
- Jones v. State, 336 Md. 255, 647 A.2d 1204 (1994)
- State v. Taylor, 329 Md. 671, 621 A.2d 424 (1993)
- Loveday v. State, 296 Md. 226, 462 A.2d 58 (1983)
- State v. Wheeler, 118 Md. App. 142, 701 A.2d 1221 (1997)
- Webster v. State, 359 Md. 465, 754 A.2d 1004 (2000)
- Greco v. State, 347 Md. 423, 701 A.2d 419 (1997)
- Chertkov v. State, 335 Md. 161, 642 A.2d 232 (1994)
- Telak v. State, 315 Md. 568, 556 A.2d 225 (1989)
- Mayor and City Council of Baltimore v. Chase, 360 Md. 121, 756 A.2d 987 (2000)
- Gargliano v. State, 334 Md. 428, 639 A.2d 675 (1994)