

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 687

September Term, 2016

AARON FREDERICK LEMON

v.

STATE OF MARYLAND

Krauser, C. J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 4, 2017

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In 2005, Aaron Frederick Lemon, appellant, was convicted, in the Circuit Court for Baltimore County, of possession with intent to distribute marijuana following a guilty plea to that offense. Eleven years later, Lemon filed a pleading entitled “Verified Petition for Revision Pursuant MD RULE 4-331 Challenge of Jurisdiction, Motion to Quash Indictment & Void Order (petition),” claiming that his conviction should be vacated on the grounds of “fraud, mistake, or irregularity.” Specifically, he contended that his indictment was defective because it was not signed by a State’s Attorney and, therefore, that the trial court had lacked jurisdiction to accept his guilty plea. The circuit court denied the petition without a hearing. On appeal, Lemon raises two issues that are reducible to one: whether the circuit court erred in denying his petition. For the reasons that follow, we affirm.

As an initial matter, Lemon’s claim was waived because he failed to raise it prior to entering his guilty plea. *See State v. Romulus*, 315 Md. 526, 540 (1989) (holding that a claim that an information was defective because of an improper signature was waived “when judgment of conviction and sentence has been duly entered in [the] case without the issue being raised”). Moreover, even if it had not been waived, Lemon’s claim lacks merit because a State’s Attorney is not required to sign an indictment in order for it to be valid. *See* Maryland Rule 4-202 (b)(1)(C) (“An indictment shall be signed by the foreperson or acting foreperson of the grand jury and also *may* be signed by a State’s Attorney.”) (emphasis added).

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**