

Circuit Court for Baltimore City  
Case Nos. 18829404, 18829407

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 52

September Term, 2023

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ARTHUR WIGGINS

v.

STATE OF MARYLAND

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Arthur,  
Tang,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 28, 2023

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

In 1989, Arthur Wiggins, appellant, pleaded guilty in the Circuit Court for Baltimore City, pursuant to a plea agreement, to one count of first-degree murder and one count of first-degree rape. The court imposed a sentence of life, with all but 40 years suspended, on each count, to run concurrently.

In 2021, appellant filed a motion to correct illegal sentence, which the court denied. Appellant then filed a notice of appeal. While that appeal was pending, the State filed its own motion to correct illegal sentence, agreeing with appellant that his sentence was illegal because the sentencing court had failed to impose a period of probation for a suspended life-sentence for first-degree murder. *See Greco v. State*, 427 Md. 477 (2012). Appellant’s appeal was stayed, and following a November 7, 2022, hearing, the circuit court granted the State’s motion and imposed a new sentence. On the first-degree murder count, the court sentenced appellant to life imprisonment, with all but 40 years suspended, with five years of probation. On the first-degree rape count, the court sentenced appellant to 40 years’ imprisonment to run concurrently to the sentence on the murder count. In light of this new sentence, we dismissed appellant’s appeal from the denial of his motion to correct illegal sentence as moot.

Appellant filed a timely application for review of his new sentence by a three-judge panel. On February 14, 2023, the panel issued an order finding that “[a]fter consideration of the reasons set forth in the application, the nature of the offenses of which the defendant was convicted, and [ ] all the data considered by the sentencing judge,” it was the “unanimous decision of the panel” that the “sentence shall remain unchanged.” This appeal followed. On appeal, appellant contends that the three-judge panel should have vacated

his new sentence in its entirety because it was the “same ambiguous sentence” that he received in 1989. He further contends that the new sentence violated his Fifth Amendment rights because he received multiple sentences for the same offense. The State has filed a motion to dismiss the appeal as not allowed by law.

An appeal from an order of a sentence review panel is ordinarily not permitted unless the panel increases the sentence, which it did not in this case. *See* Md. Code Ann., Cts. & Jud. Proc. § 12-302(f). The only exception is when the sentencing review panel does not conduct the requested review. *See Collins v. State*, 326 Md. 423 (1992). However, appellant does not claim that the panel failed to review his sentence. Rather, he takes issue with the panel’s refusal to reduce or vacate his sentence. Moreover, the sentencing panel’s order specifically indicates that it considered all of the reasons set forth in his application before concluding that his sentencing should remain unchanged. Consequently, appellant’s appeal is not allowed by law, and we shall grant the motion to dismiss.

**MOTION TO DISMISS GRANTED.  
COSTS TO BE PAID BY APPELLANT.**