

Circuit Court for Baltimore City
Case No.: 191022014

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 259

September Term, 2019

RENARD MCCLAIN

v.

STATE OF MARYLAND

Graeff,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 1, 2021

*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.

Following trial in the Circuit Court for Baltimore City in May 1991, a jury found Renard McClain, appellant, guilty of first-degree murder and carrying a deadly weapon. The court sentenced appellant to life imprisonment for first-degree murder and three years' imprisonment for the weapons offense, to be served concurrently. On March 26, 2014, appellant was granted post-conviction relief in the form of the right to file a belated motion for modification of sentence. Appellant filed such a motion on June 8, 2014, and, on February 27, 2019, after holding two hearings on it, the court denied it stating:

This Court has reviewed the record, the exhibits presented, the arguments of counsel, allocution, the comments made by [appellant's aunt]. Under all of the circumstances of this case, this Court is going to deny your request for modification. That is the ruling of the Court. Thank you.

Appellant seeks to appeal the decision of the court to deny his motion for modification or reduction of sentence. In *Hoile v. State*, 404 Md. 591, 615 (2008), the Court of Appeals explained that “[t]here is much caselaw holding that the denial of a motion to modify a sentence, unless tainted by illegality, fraud, or duress, is not appealable.” As a result, we must dismiss this appeal.¹

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.

¹ In his brief in this Court, appellant alleges that his sentence is illegal for the following three reasons: (1) the sentencing court allegedly failed to exercise its discretion to suspend some or all of the life sentence it imposed; (2) appellant's sentence allegedly prohibited him from obtaining the full benefit of his diminution of confinement credits; and (3) the sentencing court allegedly refused to consider sentencing appellant to drug treatment and, instead, sentenced appellant to imprisonment. None of those arguments were advanced during the hearings on appellant's motion for modification, and the circuit court made no rulings on them. In light of our disposition of this case, we need not, and do not, address them. We intend no prejudice to appellant's ability to raise, in the circuit court, these, or other arguments concerning the legality of his sentence.