

Circuit Court for Anne Arundel County
Case No: C-02-CR-16-2566

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 669

September Term, 2019

RONDELL DORSEY

v.

STATE OF MARYLAND

Beachley,
Shaw Geter,
Moylan, Charles E., Jr.,
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 6, 2020

*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.

Rondell E. Dorsey, appellant, appeals from a May 14, 2019 decision of the Circuit Court for Anne Arundel County, which denied his petition for writ of actual innocence because he had pled guilty to the offense he was challenging. The State concedes that the circuit court erred,¹ but points out that on August 27, 2019, after Mr. Dorsey had noted this appeal, the circuit court granted his motion for reconsideration, vacated its May 14, 2019 order, and allowed Mr. Dorsey to proceed with his petition for writ of actual innocence.² Accordingly, the State moves to dismiss this appeal as moot. We agree with the State that the appeal is moot given that the circuit court vacated the ruling Mr. Dorsey challenges, thus, leaving this Court with nothing to review. *See Cottman v. State*, 395 Md. 729, 743-44 (2006).

APPEAL DISMISSED AS MOOT. COSTS TO BE PAID BY ANNE ARUNDEL COUNTY.

¹ In *Yonga v. State*, 221 Md. App. 45 (2015), this Court held that a petition for writ of actual innocence was not applicable to a person challenging a conviction based upon a guilty plea. The circuit court relied on *Yonga* when denying relief to Mr. Dorsey. However, in 2018, the legislature amended the actual innocence statute to allow a person whose conviction was based upon a guilty plea to file a petition for writ of actual innocence based on newly discovered evidence. *See Md. Code Ann., Crim. Proc.*, § 8-301(a)(1)(ii) (2018). Mr. Dorsey filed his petition for writ of actual innocence in 2019.

² The circuit court’s docket entries reflect that it denied Mr. Dorsey’s petition for writ of actual innocence on January 3, 2020. It does not appear that he appealed that ruling.