

Circuit Court for Baltimore City
Case Nos. 18928414-15

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 723

September Term, 2018

MARVIN WATKINS

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: June 6, 2019

*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 1990, Marvin D. Watkins, appellant, pleaded guilty, in the Circuit Court for Baltimore City, to one count of first-degree murder and one count of second-degree murder. The court imposed a life sentence with all but 50 years suspended, plus five years of supervised probation, on the first-degree murder count and a sentence of twenty years' imprisonment on the second-degree murder count to be served concurrently. In 2018, Mr. Watkins filed a petition for writ of error coram nobis, claiming that his guilty pleas were not knowing and voluntary and that, in accepting his guilty pleas, the court had failed to comply with Maryland Rules 4-242(c) and 4-246(b). The circuit court denied the petition without a hearing, finding that coram nobis relief was unavailable to Mr. Watkins because he was still serving the life sentence for first-degree murder.

On appeal, Mr. Watkins concedes that he is “prohibited by law” from obtaining coram nobis relief with respect to his first-degree murder conviction because he is still incarcerated for that offense. *See Skok v. State*, 361 Md. 52, 80 (2000) (holding that coram nobis relief is unavailable when another common law or statutory remedy is available to challenge the conviction). He nevertheless asserts that the court erred in finding that his current incarceration prohibited him from challenging his second-degree murder conviction because he has already served that sentence. He also asserts that the court erred in denying his coram nobis petition on the merits. We agree that coram nobis relief was available to Mr. Watkins with respect to his second-degree murder conviction because, having completed his sentence, he now has no other remedy available to challenge that conviction. Nevertheless, we hold that

the petition was properly denied because he is not suffering from a significant collateral consequence as a result of his second-degree murder conviction.¹

To be eligible for coram nobis relief, a petitioner must meet certain requirements, including that the petitioner is “suffering or facing significant collateral consequences” because of the challenged conviction. *State v. Smith*, 443 Md. 572, 623-24 (2015) (citation omitted). Any significant collateral consequences that the petitioner claims to be facing must be set forth in the coram nobis petition. *See* Maryland Rule 15-1202(b)(1)(F). Absent the existence of a significant collateral consequence, a petitioner is not entitled to relief.

In his petition, and on appeal, the only collateral consequence claimed by Mr. Watkins is that he will be subject to a five-year term of supervised probation when he is eventually released from custody. However, that term of probation is a direct consequence, not a collateral consequence, of his guilty plea. More importantly, it is a consequence of his conviction for first-degree murder, not his conviction for second-degree murder, the conviction that he is now seeking to vacate. Consequently, we affirm the denial of Mr. Watkins’s petition for writ of error coram nobis.

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

¹ The issue of whether Mr. Watkins’s petition sufficiently alleged the existence of significant collateral consequences was raised by the State in its opposition to the petition, and by Mr. Watkins in his reply to the State’s opposition. And we may affirm on any grounds that were “raised in or decided by the trial court.” *See* Maryland Rule 8-131(a).