

Circuit Court for Harford County
Case No. 12-K-07-001781

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1100

September Term, 2018

THOMAS ANTHONY COYNE

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: July 1, 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.

Thomas Anthony Coyne, appellant, appeals the denial of his motion to correct illegal sentence. Because his illegal sentence claim is moot, we shall affirm.

On February 6, 2008, Mr. Coyne pleaded guilty, in the Circuit Court for Harford County, to one count of sexual abuse of a minor and one count of child pornography. The circuit court imposed a sentence of 10 years' imprisonment, suspended in favor of three years of probation on each count, to run concurrently. On June 26, 2018, Mr. Coyne filed a motion to correct illegal sentence, asserting that he had been “charged, convicted, and sentenced under the wrong statutes.” Specifically, he claimed that the offenses of sexual abuse of a minor and child pornography require proof of “physical contact” with the minor child and that there was no evidence in the record demonstrating that he engaged in such contact.¹ He further asserted that his trial counsel had been ineffective in advising him to plead guilty to those offenses as they were not supported by the evidence. The circuit court denied Mr. Coyne's motion as moot. This appeal followed.

As a plurality of the Court of Appeals made clear in *Barnes v. State*, 423 Md. 75, 86 (2011):

As Rule 4-345(a) simply permits a court to revise an illegal sentence, rather than to modify or overturn the underlying conviction, it follows that a court can no longer provide relief under that rule once a defendant has completed his or her sentence. In that instance, there is no longer a sentence to correct, and a court should dismiss the motion as moot unless special circumstances demand its attention.

Id. at 86.

¹ Although Mr. Coyne's motion to correct illegal sentence is moot, we note that neither offense for which he was convicted requires proof of physical contact between the defendant and the minor child.

Mr. Coyne has served the entirety of his sentence and is no longer required to register as a sex offender. Thus, his sentence is complete. Moreover, this case presents no “special circumstances” that would justify addressing a moot issue. Although Mr. Coyne asserts that his convictions carry “collateral harm in employment, housing, gun rights, and in the area of Sex Offender law” those consequences are not unique to his case but are generally applicable to all persons who have been convicted of a sex offense. And to the extent he is suffering from significant collateral consequences, he may file a petition for writ of error coram nobis. Consequently, the circuit court did not err in denying his motion to correct illegal sentence as moot.²

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

² Mr. Coyne also raises several procedural claims, specifically that the State’s response to his motion to correct illegal sentence was untimely; that the court ruled on his motion before he had received a copy of the State’s response; and that the Clerk failed to timely file his motion for default. However, even if true, none of these errors would require reversal as they do not alter the fact that his motion to correct illegal sentence was properly dismissed as moot.