

Circuit Court for Frederick County  
Case No: C-10-CR-19-00574

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1486

September Term, 2020

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PRESTON SEAN GREEN

v.

STATE OF MARYLAND

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Fader, C.J.,  
Ripken,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 14, 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.

In 2018, Preston Sean Green, appellant, was charged with possession of cocaine. In 2019, following a bench trial in the District Court of Maryland for Frederick County, Mr. Green was convicted of that offense and sentenced to 90 days' imprisonment. After Mr. Green noted a *de novo* appeal, the case was transferred to the Circuit Court for Frederick County. On July 12, 2019, pursuant to an agreement with the State, the State amended the charge to possession of paraphernalia and Mr. Green pleaded guilty to that offense. He did not seek leave to appeal.

In October 2020, Mr. Green—representing himself—filed a petition for writ of error coram nobis in which he asserted that his “case was not supported by probable cause for not having a warrant to search or seize me” and baldly alleged “involuntary plea” and “prosecutorial misconduct.” He also stated that he “[did] not think it is necessary to have transcripts.” The State filed an answer and urged the court to deny relief because the petition was deficient for, among other reasons, Mr. Green’s failure to allege that he was suffering any significant collateral consequences as a result of the 2019 conviction and for failing to produce the transcript of the plea hearing. The court agreed that the petition was deficient, found that Mr. Green had failed to state a claim for which relief could be granted, and denied relief. We shall affirm the judgment.

“Coram nobis is extraordinary relief designed to relieve a petitioner of substantial collateral consequences outside of a sentence of incarceration or probation where no other remedy exists.” *State v. Smith*, 443 Md. 572, 623 (2015). Relief is “justified ‘only under circumstances *compelling such action to achieve justice.*’” *State v. Rich*, 454 Md. 448, 461 (2017) (quoting *Smith*, 443 Md. at 597) (further quotation omitted). To be eligible for the

writ, a petitioner must meet certain requirements, including that the petitioner is “suffering or facing significant collateral consequences” because of a conviction which can be “legitimately” challenged “on constitutional or fundamental grounds.” *Smith*, 443 Md. at 623-24 (quoting *Skok v. State*, 361 Md. 52, 78-79 (2000)). The writ is intended to provide a means to overturn an otherwise final and unchallengeable conviction “in order to remove these consequences.” *Skok*, 361 Md. at 76 (quoting 3 Wright, *Federal Practice and Procedure Criminal 2d*. § 592, at 429-32 (1982)).

We review the circuit court’s ultimate decision to grant or deny a petition for coram nobis relief for an abuse of discretion. *Rich*, 454 Md. at 471. In doing so, we will not “disturb the coram nobis court’s factual findings unless they are clearly erroneous[.]” *Id.* “[L]egal determinations,” however, are “reviewed de novo.” *Id.*

On appeal, Mr. Green asserts that because he was “a pro se,” his writ should have been “liberally construed” and he should have been held to “less stringent standards.” He also claims that he “was limited by the restrictions of the coronavirus restrictions within the detention center [including] law library privileges.” He further states that he had “provided the courts with knowledge of the fact that structural error exist in [his] case[.]” but he does not support that claim with any facts nor explain the bases of the alleged structural error. For the first time, he also makes bald allegations that his rights under the Fourth Amendment, the Fourteenth Amendment, and the Sixth Amendment were violated. As to the Sixth Amendment violation, he claims that his trial attorney “was not provided a warrant to cross-examine.” He does not, however, address his failure to allege any significant collateral consequence he may be facing as a result of the 2019 conviction he is

challenging. Nor does he explain how the circuit court could consider his petition without the transcript from the plea hearing.

Given Mr. Green’s failure to allege that he is suffering any significant collateral consequence from the 2019 conviction, we hold that the circuit court did not err in concluding that he had failed to state a claim for which relief could be granted.

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