

Circuit Court for Baltimore City
Case No.: 505361024

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1788

September Term, 2021

DONTAI LONG

v.

STATE OF MARYLAND

Berger,
Reed,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 30, 2022

*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 2006, following trial in the Circuit Court for Baltimore City, a jury found Dontai Long, appellant, guilty of attempted first-degree murder, illegal use of a handgun, and related offenses. The court sentenced appellant to life imprisonment for attempted first-degree murder and twenty years' imprisonment for the weapons offense, to be served concurrently.

On December 27, 2019, appellant was granted post-conviction relief in the form of, among other things, the right to file a belated motion for modification of sentence. On March 27, 2020, acting *pro se*, appellant filed such a motion. In the appellate record appears a letter, from appellant to the circuit court, which apparently accompanied the motion. The letter requested that the court hold the motion *sub curia* for five years to await the outcome of appellant's other legal matters.¹ On July 7, 2020 the circuit court signed an order agreeing to hold the motion for modification *sub curia* “until the resolution of [appellant]’s appeal” and permitting appellant to “file a line informing the Court when his appeal has resolved.”

On November 30, 2021, the circuit court, apparently acting *sua sponte*, signed an

¹ Those other legal matters arose from other aspects of appellant's post-conviction proceedings. One of them arose from the post-conviction court's granting appellant the right to file, in his direct appeal, a belated petition for a writ of certiorari in the Court of Appeals. On January 17, 2020, appellant filed such petition. On March 27, 2020, the Court of Appeals denied it. *Dontai Long v. State*, COA-PET-0440-2019.

The other legal matter arose because appellant, on January 30, 2020, applied in this Court for leave to appeal from the denial of the remaining claims he raised in his petition for post-conviction relief. On September 10, 2020, we denied appellant's application. *Dontai Long v. State*, CSA-ALA-2571-2019.

order summarily denying appellant’s belatedly-filed motion for modification or reduction of sentence. On December 20, 2021, appellant filed a motion seeking reconsideration of that decision.² That same day, the circuit court denied appellant’s motion for reconsideration. On January 11, 2022, appellant filed an application for leave to appeal in this Court which we treated as a notice of appeal.³

In his *pro se* informal brief before this Court, which we have liberally construed, appellant claims that he was denied his right to effective assistance of counsel in connection with his belatedly filed motion for modification or reduction of sentence.⁴

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.” *See Brown v. State*, 470 Md. 503, 548 n.52 (2020) (noting that “a denial of a motion to modify sentence is appealable if that decision is not the result of the exercise of the court’s discretion, but rather the court’s erroneous belief that it lacked authority to grant the motion”).

As a result, we must dismiss this appeal.⁵

² That motion is dated December 6, 2021.

³ That application is dated December 29, 2021.

⁴ *See Simms v. Shearin*, 221 Md. App. 460, 480 (2015) (noting that we generally liberally construe papers filed by *pro se* litigants).

⁵ We note that, from the appellate record, it is not entirely clear whether appellant seeks to appeal the decision of the circuit court to deny his motion for modification of sentence, or whether he seeks to appeal the circuit court’s denial of his motion for reconsideration of that denial. To the extent that appellant appeals the latter, we hold that the circuit court did not abuse its discretion in denying appellant’s motion for
(continued)

**APPEAL DISMISSED. COSTS TO BE
PAID BY APPELLANT.**

reconsideration. *See Grimberg v. Marth*, 338 Md. 546, 553 (1995) (noting that, generally speaking, we review the denial of a motion for reconsideration for abuse of discretion).