

Circuit Court for Prince George's County
Case No.: JA98-1454

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1886

September Term, 2015

IN RE: MUNWELL O.

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 21, 2017

*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 1998, in the Circuit Court for Prince George’s County, sitting as a juvenile court, Munwell O., appellant, admitted to being “involved” in the delinquent act of possession of cocaine. The court placed him on probation subject to certain “special conditions.” In 2000, the court “satisfactorily dismissed” Munwell O. from probation and closed the case (other than for the collection of fees).

In 2003, Munwell O. was convicted, as an adult, in the Superior Court of the District of Columbia of aggravated assault when armed, possession of a firearm during the commission of a crime of violence, and carrying a pistol without a license. He was sentenced for those crimes to a total term of thirty-six years of imprisonment.

In 2015, Munwell O. filed a petition for a writ of error coram nobis, in the Circuit Court for Prince George’s County, in which he claimed that his 1998 “guilty plea” in the juvenile court to possession of cocaine was involuntary and that his “conviction,” in that case, resulted in his being sentenced, as a “second-time offender,” to an “enhanced sentence” in the D.C. case. After the court denied his petition, as well as his subsequent motion for reconsideration, Munwell O. noted this appeal.

We hold that the court did not abuse its discretion in denying Munwell O.’s petition for a writ of coram nobis, because, contrary to his assertions, there is no indication that his juvenile adjudication was used to increase the sentences he received in the D.C. case or that he was sentenced as a repeat offender. In other words, he is not suffering a significant collateral consequence as a result of the juvenile matter and, accordingly, he is not entitled to coram nobis relief. *See Skok v. State*, 361 Md. 52, 78-79 (2000) (A petitioner seeking a

writ of error coram nobis must, among other things, establish that he is “suffering or facing significant collateral consequences” as a result of the conviction he is challenging.).

The record before us indicates that Munwell O. was convicted of aggravated assault when armed, under D.C. Code, §§ 22-504.1(a) and 22-3202 (currently codified as D.C. Code, §§ 22-404.01 and 22-4502), which permitted the imposition of a maximum sentence of thirty years’ imprisonment. Munwell O. was sentenced, for that offense, to a term of twenty years’ imprisonment. He was also convicted of possession of a firearm during the commission of a crime of violence, under D.C. Code, § 22-3204(b) (currently codified as D.C. Code 22-4504(b)), which permitted the imposition of a maximum sentence of fifteen years’ imprisonment. Munwell O. was sentenced, for that offense, to a term of thirteen years’ imprisonment. And he was convicted of carrying a pistol without a license, in violation of D.C. Code § 22-3204(a)(1) (currently codified as D.C. Code, § 22-4504(a)(1)), which permitted the imposition of a maximum sentence of five years’ imprisonment. He was sentenced, for that offense, to a term of three years’ imprisonment.¹ In short, Munwell O. was sentenced to terms of imprisonment *below* the maximum sentences permitted by law and his sentences were not enhanced because of any prior convictions.

Finally, Munwell O. asserts that the circuit court erred in denying his petition “without making specific or individual findings on each issue” he raised in his petition. Rule 15-1207(a) provides that the court, when ruling on a petition for a writ of error coram

¹ Because the sentences were ordered to run consecutive to each other, Munwell O. received a total sentence of thirty-six years of imprisonment.

nobis, “shall prepare and file or dictate into the record a statement setting forth separately each ground on which the petition is based, the federal and state rights involved, the court’s ruling with respect to each ground, and the reasons for the ruling.” The circuit court should have prepared such a statement in this case, but did not. In this instance, however, because Munwell O. failed to establish that he is suffering a significant collateral consequence, we see no need to remand the case to the circuit court for the preparation of a statement of reasons. *See Smith v. State*, 219 Md. App. 289, 294-295 (2014) (declining to remand for a statement of reasons when the appellate court was able to decide the issue on the record before it).

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**