

Circuit Court for Charles County  
Case No. 08-K-80-007357

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2066

September Term, 2022

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STEVEN MICHAEL JOHNSON

v.

STATE OF MARYLAND

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Nazarian,  
Beachley,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: July 27, 2023

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

\*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

In 1980, Steven Michael Johnson, appellant, was convicted in the Circuit Court for Charles County of first-degree sexual offense, kidnapping a child under the age of 16, and assault with intent to disable following a bench trial. This Court affirmed his convictions on direct appeal. *Johnson v. State*, No. 1703, Sept. Term 1980 (filed Aug.10, 1981).

In October 2020, appellant filed an application for review of sentence by a three-judge panel. Appellant acknowledged that the motion was untimely but asked the court to grant the motion because, he claimed, that his trial counsel had never informed him of the right to seek a review of his sentence. The court denied the application for review of sentence as untimely filed. On appeal, appellant contends that the court erred in denying his application for review of sentence. However, Maryland Rule 4-344(a) provides that such a request must be filed within 30 days after sentencing. As he did in the circuit court, appellant contends that he should have been allowed to file a belated application for review of sentence because his counsel was ineffective in failing to notify him of his right to do so. However, as the State correctly notes, such a claim must be raised in a motion to reopen postconviction proceedings under the Uniform Postconviction Procedure Act. Consequently, we shall affirm the judgment of the circuit court.

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