

Circuit Court for Baltimore City  
Case No. 117066029

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 2298

September Term, 2023

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TIA L. BROWN

v.

STATE OF MARYLAND

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Arthur,  
Shaw,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

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Opinion by Raker, J.

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Filed: August 12, 2025

\*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In this pro se appeal, appellant asks this Court to consider whether the Circuit Court for Baltimore City erred in denying her August 11, 2023, motion for a new trial and in denying her August 22, 2023, motion to reconsider whether the sentence imposed in the circuit court was an illegal sentence.

We find no error and shall affirm.

I.

The procedural history of this case is a little convoluted and difficult to follow.<sup>1</sup> Appellant, Tia Brown, challenges the Baltimore City Circuit Court’s denial of her August 11, 2023, Motion for New Trial and August 22, 2023, Motion to Reconsider the restitution judgment, which she characterizes as an illegal sentence.<sup>2</sup>

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<sup>1</sup> Appellant proceeded first, on September 25, 2017, to a bench trial in Baltimore City and on December 18, 2017, was convicted of detaining a child relative out of state for more than 48 hours. She appealed to this Court, and the Court vacated the judgment of conviction, on the grounds the trial court did not determine whether Brown knowingly waived counsel and failed to advise her of the penalties for the charged offense. This Court remanded the case for a new trial.

<sup>2</sup> The timeline of this case before us appears as follows:

11/13/2019 – the jury convicted appellant of detaining a child under the age of 16 out of state for more than 48 hours. On February 3, 2020, the court imposed sentence.

4/9/2021 – Circuit court held a restitution hearing and ordered restitution in the amount of \$3,811.16. No direct appeal filed.

5/21/2021 Petition to violate probation filed. The court closed the probation out as unsatisfactory,

3/16/2022 – Appellant filed Petition for Post-Conviction Relief.

Appellant was indicted by the Grand Jury for the Circuit Court of Baltimore City in 2017 for unlawfully detaining a child under the age of sixteen out of state for more than forty-eight hours and was convicted in 2019. The court sentenced her to a term of incarceration of 3 years, with 2 years, 9 months and 19 days suspended, giving her credit for time served. The court held a restitution hearing and ordered her to pay restitution in the amount of \$3,811.16. She did not appeal the conviction or restitution order.

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8/4/2023 –Post-Conviction Petition denied.

8/10/2023 – Appellant noted appeal of the denial of post-conviction relief.

8/11/2023 – Appellant filed a “Motion for New Trial and to Withdraw Notice of Appeal at this time.”

8/17/2023 – Appellant found in violation of probation. Court entered a civil judgment as to the unpaid restitution.

8/22/2023 – Appellant filed a “Motion to Reconsider and Request for Hearing” as to the entry of the civil judgment.

9/14/2023 - The circuit court denied the August 11, 2023, motion for a new trial and granted request to withdraw the appeal.

11/26/2024 – Circuit court held hearing on the motion to reconsider the restitution judgment.

12/12/2024 – Motion denied.

1/25/2024 – Appellate Court of Maryland directed the parties to brief two issues: Denial of Brown’s August 22, 2023, Motion to Reconsider, which the Court treats as a motion to correct an illegal sentence and denial of Brown’s Motion for a new trial.

On March 16, 2022, appellant filed a post-conviction petition, which the court denied on August 4, 2023. In her petition, she alleged ineffective assistance of counsel, prosecutorial misconduct, and lack of jurisdiction over the person. The post-conviction court found that appellant failed to establish ineffective assistance of counsel; failed to establish prosecutorial misconduct; and failed to establish that the indictment did not establish jurisdiction. The court found that there was a valid custody order in place, a cognizable crime was charged, and that appellant was charged with unlawfully detaining a child relative from his lawful custodian, “which is in violation of indisputably active and valid orders.” She filed an appeal from the denial of post-conviction relief on August 10, 2023.

On August 11, 2023, appellant filed a motion for a new trial and request to withdraw her appeal. In that motion, she alleges that Judge Middleton’s memorandum and Order were contrary to fact and law and reveal bias. The circuit court denied her motion for a new trial and granted her request to withdraw her appeal, finding the motion was not timely. On August 17, 2023, the circuit court found appellant in violation of her probation and the court entered a civil judgment against her for the unpaid restitution.

On August 22, 2023, appellant filed a Motion to Reconsider the entry of the civil judgment and request for a hearing. Appellant alleged that “[t]he order of judgment is a due process violation as it seeks to enforce an unconstitutional and illegal sentence provision and exceeds jurisdictional limits;” that Judge Cox did not consider her ability to pay; and that the restitution constitutes double jeopardy because the restitution sentence was imposed after the jury was dismissed and subsequent to her sentencing hearing. She

claimed that her criminal trial “commenced despite jurisdiction being questionable and the latter without consideration given to my ability to adequately defend against the charges brought against me and be heard on the jurisdictional issue.”

On November 26, 2024, the court held a hearing on her motion to reconsider the civil judgment and in an Order dated December 12, 2024, the court denied her motion.

Appellant noted this appeal.

## II.

Rule 4-331 addresses motions for a new trial. Rule 4-331(a) provides that “on motion of the defendant filed within ten days after a verdict, the court, in the interest of justice, may order a new trial.” Rule 4-331(c) addresses motions for a new trial based upon newly discovered evidence. The relevant portion of the Rule permits a court to grant a new trial based on newly discovered evidence provided that (1) the motion is filed within one year of imposition of the sentence or the date that the circuit court received a mandate issued by the final appellate court to consider a direct appeal from the judgment, and (2) the evidence could not have been discovered by due diligence in time to move for a new trial under section (a) of the Rule, *i.e.*, within 10 days of the verdict. New trial motions must be in writing, stating the grounds upon which they are based, describing the newly discovered evidence, and if a hearing is sought, a request for the hearing. Rule 4-331(e).

A motion for a new trial is left to the discretion of the trial court, and the trial court’s ruling on a motion for a new trial will not be disturbed on appeal except for the most extraordinary and compelling reasons. *Jackson v. State*, 164 Md. App. 679, 695 (2005).

Rule 8-131 provides that “[o]rdinarily an appellate court will not decide an issue unless it plainly appears by the record to have been raised in or decided by the trial court.”

Corrections to illegal sentences are addressed in Rule 4-345. Rule 4-345(a) provides that the court may correct an illegal sentence at any time, providing a limited exception to the general rule of finality, and sanctions a method of opening a judgment otherwise final and beyond the reach of the court. *State v. Griffiths*, 338 Md. 485, 496 (1995). The scope of this provision in allowing collateral and belated attacks on the sentence is narrow. *Bryant v. State*, 436 Md. 653, 662 (2014). An illegal sentence is one in which the illegality “inheres in the sentence itself, *i.e.*, there either has been no conviction warranting any sentence for the particular offense or the sentence is not a permitted one for the conviction upon which it was imposed and, for either reason, is intrinsically and substantively unlawful.” *Chaney v. State*, 397 Md. 460, 466 (2007); *see also, Baker v. State*, 389 Md. 127, 133 (2005).

A sentence does not become an illegal sentence because of some arguable procedural flaw in the sentencing procedure. A motion to correct an illegal sentence is not an alternative method of obtaining belated appellate review of the proceedings that led to the imposition of judgment and sentence in a criminal case. *Colvin v. State*, 450 Md. 718, 725 (2016) (internal citations, quotations, and brackets omitted). Moreover, “a motion to correct an illegal sentence is not an alternative method of obtaining belated appellate review of the proceedings that led to the imposition of judgment and sentence in a criminal case.” *State v. Wilkins*, 393 Md. 269, 273 (2006).

III.

Appellant argues the denial of her new trial motion and motion to correct an illegal sentence were improper, claiming defects in the indictment and judicial bias. She alleges that newly discovered evidence shows due process violations, including that no grand jury was convened resulting in a defective indictment (although she later argues that the prosecutor withheld exculpatory evidence from the grand jury), there was no valid custody order and therefore the court lacked jurisdiction, the State's witness's prior family court attorney had been disbarred and the trial judge should have recused herself. She contends the restitution sentence was illegal and imposed without consideration of her ability to pay. Appellant argues that the circuit court erred in denying her August 11, 2023, Motion for New Trial and August 22, 2023, Motion to Reconsider (Motion to Correct Illegal Sentence). She asserts that her rights under the Sixth Amendment to the United States Constitution were violated because she was not confronted with witnesses, and the State suppressed exculpatory evidence. The restitution judgment is challenged as an illegal sentence imposed without proper jurisdiction and without consideration of her ability to pay, constituting double jeopardy. She claims judicial bias due to delayed hearings and denial of motions. She requests this Court overturn her conviction or provide a legally permissible remedy, emphasizing that any order issued in violation of due process is void.

Appellant filed a reply brief, and “reframe[d] the questions into one” as follows: “Whether procedural irregularities that include the appearance of judicial bias and prosecutorial misconduct violated due process and voided prior proceedings?” She relies on fraud, mistake and irregularity “constituting jurisdictional defects capable of voiding a

judgment.” The judicial bias she alleges is twofold: that the circuit court judges that ruled on matters in her case sat previously in family court on related matters and should have recused themselves because prior knowledge of a case while presiding in matters in another court requires recusal; and that the judges delayed in ruling on her motions and “the excessive time it took the Court to decide cannot be explained by anything but bias.” The prosecutorial misconduct she alleges is that the prosecutor withheld exculpatory evidence from the grand jury, *i.e.*, the absence of a valid custody order and the State engaged in judge shopping “to avoid judicial oversight and obstruct access to grand jury transcripts.” In sum, appellant alleges that “[t]hese cumulative errors are not mere procedural flaws; they are jurisdictional defects that void the conviction and sentence.”

As a threshold matter, the State maintains that appellant’s new trial motion is unpreserved because the motion was untimely, appellant did not raise any of the issues she now raises, and her claims of judicial bias and indictment defects do not affect court jurisdiction or sentence legality.<sup>3</sup> Appellant’s claims of error, as identified in her August 11, 2023, motion for new trial related to the post-conviction court’s findings and have nothing to do with her underlying trial. Here, she is not arguing *newly discovered evidence* and only addresses the post-conviction court’s potential bias in her case. Nowhere in her

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<sup>3</sup> Appellant argues in her “Motion for New Trial and to Withdraw Notice of Appeal at This Time” that the findings of Judge Middleton regarding appellant’s post-conviction proceeding were “contrary to fact and law and reveal her bias in this case.” Appellant made the motion “together with a Motion to Reconsider and Request for Hearing and fully incorporate[d] all statements contained” in that motion in her motion for new trial.



motion for a new trial did she allege or identify any newly discovered evidence that relates to the original proceeding.

In support of its claim that appellant’s new trial motion is untimely and thus unpreserved, the State highlights the procedural history of the matter as follows. Appellant’s conviction occurred on November 19, 2019. The court imposed sentence on February 3, 2020. The court ordered restitution on April 9, 2022. Under any calculation, the motion for new trial was untimely. It was not filed within 10 days of the verdict, it was not in the interest of justice, and it was not within 1 year from the imposition of sentence based on newly discovered evidence. Appellant failed to comply with pleading requirements of specificity and time requirements under the rules. Finally, the State notes that appellant’s claims of bias on the part of the post-conviction judge are bald, unsupported claims and are not relevant to any motion for a new trial.

On the merits of her illegal sentence and restitution claim, the State maintains the case was presented properly to a grand jury, although it was a misdemeanor case not requiring an indictment. The circuit court denied her motions, finding no error. Appellant sought grand jury transcripts via subpoena, which the court quashed, stating that grand jury transcripts may only be obtained by court order. Appellant contends that the restitution order was illegal because the trial court “had not properly obtained jurisdiction over the original issue of the person.” The State asserts that the claim is meritless as the circuit court had jurisdiction and appellant’s sentence was not illegal. Any procedural flaw in the sentencing process does not make a sentence illegal, and any irregularity in the grand jury process does not affect the jurisdiction of the trial court. Thus, concludes the State,

appellant's conviction was rendered in a court with competent jurisdiction and the sentence was imposed within the statutory maximum penalty provided by Maryland law.

Aside from its lack of preservation argument that the claims on appeal were not preserved because the motion did not properly describe newly discovered evidence as required by Rule 4-331, the State maintains that the circuit court properly denied appellant's motion for a new trial because the motion was untimely, filed more than three years after her conviction and two years after sentencing. Even if considered, appellant's claims lack merit because she failed to comply with the time and pleading requirements of Rule 4-331. Appellant's allegations of judicial bias are unsupported and irrelevant to the motion for new trial. The court has discretion to order a new trial only for extraordinary reasons or newly discovered evidence, which appellant did not establish.

As to appellant's motion to reconsider (treated as a motion to correct an illegal sentence), the State maintains that the court ruled properly because a pre-trial procedural irregularity, such as an alleged defective indictment or grand jury irregularity, does not render a sentence illegal under Rule 4-345. Moreover, the State continues, the legality of a sentence is reviewed *de novo*, and appellant's sentence was within the statutory maximum and thus legal. The court had jurisdiction over the case despite appellant's claims about the grand jury and indictment. The State points out that appellant failed to provide particularized proof of any irregularity in the grand jury process, and there is a presumption of regularity. Her claims of judicial bias related to delay in hearing are unsupported. As to her restitution argument, appellant did not dispute the restitution amount or her ability to pay on appeal, and procedural flaws in indictment do not affect the legality of the sentence.

The State concludes that the circuit court’s denial of the motion for a new trial and the motion to reconsider should be affirmed. In sum, the State argues that appellant’s motion for new trial was untimely and did not raise any of the issues she now raises on appeal. A pre-trial procedural irregularity does not result in an illegal sentence and her conviction was rendered in a court with competent jurisdiction. The sentence was not ‘illegal’ as that term is narrowly defined under Rule 4-345(a). Appellant has failed to establish that there was any error in her indictment and grand jury proceeding. Appellant’s bald allegation, without any further supporting evidence, does not establish that the circuit court exhibited or held any bias against her.

#### IV.

We hold that the circuit court denied properly appellant’s motion for a new trial and motion to correct an alleged illegal sentence. The trial court had jurisdiction to hear the case, as the charged offense was within the concurrent jurisdiction of the District Court of Maryland and the Circuit Court for Baltimore City. *See* Md. Code (2009, 2020 Repl. Vol.) § 4-302(d) of the Courts and Judicial Proceedings Article and Md. Code (2009, 2019 Repl. Vol.) §§ 9-301 & 9-307 of the Family Law Article. The circuit court had territorial jurisdiction because child abduction or custody interference prosecutions may be heard in the state where parental custody has been deprived by acts or omissions which occurred outside of the state. *Khalifa v. State*, 382 Md. 400, 423 (2024). Appellant’s motion for a new trial does not contain any newly discovered evidence, does not comply with the requirements of Rule 8-131(a) and is not preserved for our review. Her motion for a new

trial, filed on August 11, 2023, 3 years after her conviction which occurred on November 19, 2019, and 2 years after the court imposed sentence on February 3, 2020, and ordered restitution on April 9, 2021, was untimely.

Appellant has not established any error with respect to the indictment or grand jury proceedings and has not overcome the presumption of regularity in grand jury proceedings. *Erman v. State*, 49 Md. App 605, 628 (1981) (overruled on other grounds). Based on the face of the pleadings, the circuit court properly denied her motion without a hearing.

Appellant’s claims of bias on the part of the post-conviction judge are totally meritless and unsupported by the record. She has not identified any action, remark or behavior to support this claim. *See Harford Memorial Hospital, Inc. v. Jones*, 264 Md. App. 520, 542 (2025) (finding that “a litigant must identify the conduct to which they object and the relief they want during the trial” when claiming judicial bias).

As to appellant’s motion to correct an illegal sentence, we hold that the circuit court properly denied the motion. Appellant’s sentence was not illegal – a pretrial procedural irregularity does not result in an illegal sentence. Rule 4-345(a) states that a “court may correct an illegal sentence at any time.” But the illegality must inhere in the sentence itself – a sentence is not illegal “because of some arguable procedural flaw in the sentencing procedure.” *Colvin v. State*, 450 Md. 718, 725 (2016). Irregularities in the grand jury process do not affect the jurisdiction of the court. *Smith v. State*, 240 Md. 464, 475 (1965).

**JUDGMENTS OF THE CIRCUIT COURT  
FOR BALTIMORE CITY AFFIRMED.  
COSTS TO BE PAID BY APPELLANT.**