

Circuit Court for Montgomery County
Case No. 82214C

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2739

September Term, 2016

CHRISTOPHER TERRY

v.

STATE OF MARYLAND

Berger,
Arthur,
Beachley,

JJ.

Opinion by Arthur, J.

Filed: July 2, 2019

*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 Christopher Terry pleaded guilty to first-degree rape. He was sentenced to life in prison with the possibility of parole. He was 16 years old at the time of the offense and 17 years old at the time of sentencing.

In 2016 Terry filed a motion to correct an illegal sentence, in which he challenged the constitutionality of Maryland’s parole system for juvenile offenders who had been convicted of crimes other than homicide. He relied in part on *Graham v. Florida*, 560 U.S. 48, 75 (2010), which held that the Eighth Amendment prohibits a sentence of life without parole for juvenile offenders who had been convicted of crimes other than homicide and that a state must afford those offenders “some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.”

The circuit court denied Terry’s motion to correct an illegal sentence, and he appealed. This Court stayed the appeal pending the Court of Appeals’ decision in a group of cases that challenged the constitutionality of Maryland’s parole system for juvenile offenders: *Carter v. State*, No. 54, Sept. Term, 2017; *Bowie v. State*, No. 55, Sept. Term, 2017; and *McCullough v. State*, No. 56, Sept. Term, 2017.

In *Carter v. State*, 461 Md. 295, 307 (2018) (quoting *Graham v. Florida*, 560 U.S. at 75), the Court of Appeals held that “the laws governing parole of inmates serving life sentences in Maryland, including the parole statute, regulations, and a recent executive order adopted by the Governor, on their face allow a juvenile offender serving a life sentence a ‘meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.’” As a consequence, the Court affirmed the denial of a motion to correct an illegal sentence filed by James Bowie (*see id.* at 346), a juvenile offender who had

been sentenced to life with the possibility of parole for an offense other than homicide (specifically, attempted murder). *Id.* at 328-31. *Carter* requires us to reject the arguments that Terry advanced in his initial brief.

In response to *Carter*, Terry revised his arguments. He now contends that he has a liberty interest in a “meaningful opportunity to obtain release.” He further contends that Maryland’s parole system is constitutionally deficient because it does not provide a right to state-furnished counsel at parole hearings, public funds for experts, or judicial review of parole decisions. His arguments are identical to the arguments that this Court rejected in *Holly v. State*, ___ Md. App. ___, No. 1720, Sept. Term, 2017 (Ct. of Spec. App. June 26, 2019). In light of *Holly*, therefore, we hold that the circuit court did not err in denying Terry’s motion to correct an illegal sentence.

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