

Circuit Court for Baltimore County
Case No: 03-K-06-002333

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 3273

September Term, 2018

CHRISTOPHER McCANN

v.

STATE OF MARYLAND

Nazarian,
Leahy,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 8, 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 2006, a jury in the Circuit Court for Baltimore County convicted Christopher McCann, appellant, of attempted first-degree murder and the court found him guilty of violating a protective order. The court imposed a life sentence for the attempted murder conviction. This Court affirmed the judgments. *McCann v. State*, No. 2393, September Term, 2006 (filed March 17, 2009).

In 2018, Mr. McCann filed a motion to correct an illegal sentence in which he asserted that a life sentence is the functional equivalent of a life sentence without the possibility of parole because so few lifers in Maryland are, in fact, released on parole. The circuit court denied the motion. The next day, Mr. McCann filed a motion for change of venue. The court denied that motion as well, noting that there were “no open matters pending” in the case and, in any event, “venue is proper in Baltimore County.” Mr. McCann then filed a notice of appeal.

In *Carter, Bowie, & McCullough v. State*, 461 Md. 295 (2018), the Court of Appeals addressed a similar challenge to a life sentence. In that case, Mr. Carter and Mr. Bowie (juvenile offenders) received life sentences with parole eligibility and later argued that their sentences were illegal. Like Mr. McCann, Mr. Carter and Mr. Bowie argued that Maryland’s parole system does not provide lifers with a meaningful opportunity to obtain release. *Id.* at 307. The Court of Appeals rejected their illegal sentence claims, holding that the “Maryland law governing parole” provides an “offender serving a life sentence with a ‘meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.’” *Id.* at 365. Here, Mr. McCann – like Mr. Bowie and Mr. Carter – is eligible

for parole, and as such, his sentence is not the equivalent of life without the possibility of parole.

Finally, we are not persuaded that the court erred in denying Mr. McCann’s motion for a change of venue.

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