

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
DISTRICT COURT
DISTRICT OF MARYLAND
2013 MAR 10 3:50

DONTE NALLS, #362086
Petitioner,

v.

BOBBY P. SHEARIN, et al.
Respondents.

*

*

*

CIVIL ACTION NO. JKB-13-720

MEMORANDUM

I. Procedural History

On March 7, 2013, the court received for filing Dante Nalls's ("Nalls") self-represented 28 U.S.C. § 2254 attack on his March 24, 2010 convictions in the Circuit Court for Baltimore County. (ECF No. 1) Nalls's motion for leave to proceed in forma pauperis (ECF No. 2) shall be granted.

II. Standard of Review

"[H]abeas petitioners must exhaust available state remedies before seeking relief in federal court." *Cone v. Bell*, 556 U.S. 449, 465 (2009); *see also* 28 U.S.C. § 2254(b)(1); *Lambert v. Blackwell*, 134 F.3d 506, 513 (3d Cir. 1997) (citing § 2254(b)(1)(A)) ("It is axiomatic that a federal habeas court may not grant a petition for a writ of habeas corpus unless the petitioner has first exhausted the remedies available in the state courts). In the event that a federal court determines that there exists a possibility of state court review, the petition should be dismissed without prejudice. *See Banks v. Horn*, 126 F.3d 206, 213 (3^d Cir. 1997); *Leonard v. Hammond*, 806 F.2d 838, 840 (4th Cir. 1986). This exhaustion requirement is satisfied by seeking review of the claim in the highest state court with jurisdiction to consider the claim. *See O'Sullivan v. Boerckel*, 526 U.S. 838, 842 (1999); 28 U.S.C. § 2254(b) and (c). In Maryland, this may be accomplished by raising certain claims on direct appeal and by way of post-conviction proceedings. *See Matthews v. Evatt*, 105 F.3d 907, 911 (4th Cir. 1997); *Spencer v. Murray*, 18 F.3d 237, 239 (4th Cir. 1994).

The exhaustion requirement demands that the petitioner:

"do more than scatter some makeshift needles in the haystack of the state court record. The ground relied upon must be presented face-up and squarely; the federal question must be plainly defined. Oblique references which hint that a theory may be lurking in the woodwork will not turn the trick."

Mallory v. Smith, 27 F.3d 991, 994-95 (4th Cir. 2001), *cf. Martens v. Shannon*, 836 F.2d 715, 717 (1st Cir. 1988).

This exhaustion requirement is not a jurisdictional prerequisite to federal habeas corpus relief, but rather a matter of comity. *See Granberry v. Greer*, 481 U.S. 129, 134-35 (1987). The state courts are to be afforded the first opportunity to review federal constitutional challenges to state convictions in order to preserve the role of the state courts in protecting federally guaranteed rights. *See Preiser v. Rodriguez*, 411 U.S. 475, 490 (1973).

The United States Supreme Court has interpreted § 2254(c) to require a state prisoner to present his claims to the state's highest court, even if review is discretionary, when such review is part of the ordinary appellate review procedure. *See O'Sullivan v. Boerckel*, 526 U.S. at 845. This generally requires appealing state court decisions all the way to the state's highest court. *Id.* at 847. Exhaustion is not required if at the time a federal habeas corpus petition is filed petitioner has no available state remedy. *See Teague v. Lane*, 489 U.S. 288, 297-98 (1989); *Bassett v. Thompson*, 915 F.2d 932, 937 (4th Cir. 1990).

III. Analysis

According to the state court docket, in 2009 Nalls was charged with one count of attempted first-degree murder, five counts of first-degree assault, ten counts of use of a handgun in the commission of a felony or crime of violence, one count of conspiracy to commit first-degree murder, one count of conspiracy to commit first-degree assault, one count of firearm possession with a felony

conviction, one count of possession of firearms, and one count of illegal possession of a regulated firearm. *See State v. Nalls*, Criminal No. 03K09002157 (Circuit Court for Baltimore County) (copy attached). He was convicted on one count of attempted first-degree murder, three counts of use of a handgun in the commission of a felony or crime of violence, and two counts of first-degree assault and sentenced on March 24, 2010. *See State v. Nalls*, Criminal No. 03K09002157 (Circuit Court for Baltimore County). On March 26, 2012, his sentence for first-degree assault was vacated and his conviction for illegal possession of a regulated firearm was reversed¹ and remanded for a new trial by the Court of Special Appeals of Maryland. *Id.* All other judgments were affirmed. Nalls claims that he filed a petition for writ of certiorari with the Court of Appeals of Maryland, which was denied on August 21, 2012. He states that he did not file a certiorari petition to the United States Supreme Court. Therefore, his convictions became final on November 20, 2012. *See Clay v. United States*, 537 U.S. 522, 525 (2003) (state judgment becomes final for habeas purposes when the time expires for filing a petition for writ of certiorari to the Supreme Court or ninety days following the decision of the state's highest court); *Harris v. Hutchinson*, 209 F.3d 325, 328 (4th Cir. 2000) (time for seeking direct review of a state court conviction concludes when either the ninety-day period for filing of a writ of certiorari in the United States Supreme Court expires or such writ is denied by the United States Supreme Court); *see also Lawrence v. Florida*, 549 U.S. 327, 333 (2007) (reaffirming the inclusion of time for seeking review by the Supreme Court in calculating when direct review of a state criminal conviction becomes final under § 2244(d)).

Nalls indicates that he has not filed a post-conviction petition in state court. He asks this court to stay his habeas petition and to allow him a reasonable time to present his unexhausted claims to the state court and to return to the federal court with his “perfected” petition. ECF No. 1 at 10.

¹ The state court docket, however, indicates that this count was originally nolle prossed

Nalls has plainly not exhausted his remedies as required under § 2254(c). A stay in a habeas case is available only in limited circumstances and the circumstances in this case clearly do not warrant a stay. *See Rhines v. Weber*, 544 U.S. 269 (2005) (“[district courts] should explicitly condition the stay on the prisoner’s pursuing state court remedies within a brief interval, normally 30 days, after the stay is entered and returning to federal court within a similarly brief interval, normally 30 days after state court exhaustion is completed”); *Crews v. Horn*, 360 F.3d 146, 154 (3rd Cir. 2004). Even where a stay and abeyance is appropriate, the district court’s discretion in structuring the stay is limited by the timeliness concerns reflected in the Antiterrorism and Effective Death Penalty Act (“AEDPA”). *See Rhines*, 544 U.S. at 277.

This is not an example of the “limited circumstances” in which a stay is warranted. Nalls’s state convictions became final on November 20, 2012. He has one year from that date to file his 28 U.S.C. § 2254 petition. Under the specific circumstances in this case, Nalls has failed to satisfy the “good cause” requirement for filing a “protective” habeas petition, by demonstrating, for example, the kind of “reasonable confusion about state filing requirements that [the Supreme Court] categorized as ‘good cause’ for a stay.” *Heleva v. Brooks*, 581 F.3d 187, 192 n. 3 (3rd Cir. 2009) (citing *Pace v. DiGuglielmo*, 544 U.S. 408, 416 (2005) (“we reserve judgment on whether the scenario laid out by Heleva—a habeas petition with only hours remaining in the AEDPA limitations period—may qualify as good cause”). Indeed, Nalls does not appear to even allege good cause.

In any event, Nalls has failed to show that dismissal without prejudice of his § 2254 petition would imperil his ability to file another timely and otherwise proper federal habeas petition after his post-conviction petition and related appeals are no longer pending. *See Crews*, 360 F.3d at 152. Dismissal of this habeas petition, without prejudice, is appropriate.

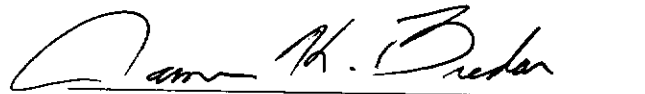
Nalls is cautioned that there is a one-year filing deadline for state prisoners filing applications

for a writ of habeas corpus in federal court. *See* 28 U.S.C. § 2244(d). A properly filed post-conviction petition will serve to toll or “stop” the running of the one-year statute of limitations period for § 2254 petitions. Should Nalls intend to refile this petition after diligently pursuing his available state court remedies to exhaust all his claims, he should take care not to miss this deadline.

For the aforementioned reasons, the court shall dismiss the petition without prejudice for the failure to exhaust state court remedies. In *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), the Supreme Court held that “[w]hen the district court denies a habeas petition on procedural grounds without reaching the prisoner’s underlying constitutional claim, a certificate of appealability (“COA”) should issue when the prisoner shows, at least, that ... jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” Nalls does not satisfy this standard, and the court declines to issue a COA. A separate Order shall be entered reflecting this decision.

DATED this 18 day of March, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "James K. Bredar", written over a horizontal line.

James K. Bredar
United States District Judge

Circuit Court of Maryland

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

[Go Back](#)

2013 MAR 10 P 3:50

Case Information

Court System: **Circuit Court for Baltimore County - Criminal System**
Case Number: **03K09002157**
Title: **State of Maryland vs Donte Nalls**
Case Type: **Indictment** Filing Date: **04/27/2009**
Case Status: **Closed/Inactive**
Case Disposition: **Guilty** Disposition Date: **11/27/2012**
District Case No: **6C00301790**

Defendant Information

(Each Alias, Address, and Attorney for the Defendant is displayed)

Name: **Nalls, Donte Maurice**
Race: **African American**
Sex: **M** Height: **6'1** Weight: **155** DOB: **02/07/1986**
Address: **149 N Ellwood Avenue**
City: **Baltimore** State: **MD** Zip Code: **21224**
Address: **Baltimore County Bureau of Corrections**
City: **Towson** State: **MD** Zip Code: **21204**
Address: **Division of Correction**
City: **Jessup** State: **MD** Zip Code: **20794**

Attorney(s) for the Defendant

Name: **Mandell, Esq, Marc**
Appearance Date: **06/11/2009**
Practice Name: **Law Office Of Marc E Mandel, Esq.**
Address: **219 W Joppa Road**
City: **Towson** State: **MD** Zip Code: **21204**

Court Scheduling Information

Event Type: **Arraignment/Initial Appearance** Notice Date: **05/06/2009**
Event Date: **05/11/2009** Event Time: **09:15 AM**
Result: **Cancelled/Vacated** Result Date: **05/11/2009**

Event Type: **Bail review Hearing** Notice Date: **07/30/2009**
Event Date: **08/06/2009** Event Time: **09:30 AM**
Result: **Held/Concluded** Result Date: **08/06/2009**

Event Type: **Criminal Court Trial** Notice Date: **07/30/2009**
Event Date: **08/26/2009** Event Time: **09:15 AM**
Result: **Postponed** Result Date: **08/06/2009**

Event Type: **Criminal Court Trial** Notice Date: **09/29/2009**
Event Date: **10/27/2009** Event Time: **09:15 AM**
Result: **Held/Concluded** Result Date: **10/27/2009**

Event Type: **Criminal Court Trial** Notice Date:
Event Date: **10/28/2009** Event Time: **09:00 AM**

Result: **Held/Concluded** Result Date: **10/29/2009**

Event Type: **Criminal Court Trial** Notice Date:
Event Date: **10/29/2009** Event Time: **09:00 AM**
Result: **Held/Concluded** Result Date: **10/29/2009**

Event Type: **Criminal Court Trial** Notice Date:
Event Date: **10/30/2009** Event Time: **09:00 AM**
Result: **Held/Concluded** Result Date: **11/02/2009**

Event Type: **Criminal Court Trial** Notice Date:
Event Date: **11/02/2009** Event Time: **09:00 AM**
Result: **Cancelled/Vacated** Result Date: **11/02/2009**

Event Type: **Criminal Disposition Hearing** Notice Date: **01/13/2010**
Event Date: **01/28/2010** Event Time: **09:30 AM**
Result: **Cancelled/Vacated** Result Date: **01/26/2010**

Event Type: **Disposition** Notice Date: **01/27/2010**
Event Date: **03/24/2010** Event Time: **09:30 AM**
Result: **Held/Concluded** Result Date: **03/24/2010**

Event Type: **Criminal Court Trial** Notice Date: **11/01/2012**
Event Date: **11/27/2012** Event Time: **09:30 AM**
Result: **Held/Concluded** Result Date: **11/27/2012**

Charge and Disposition Information

(Each Charge is listed separately. The disposition is listed below the Charge)

<p>Charge No: 1 CJIS Code: 2 0910 Statute Code: CR.2.205 Charge Description: Attempted First Degree Murder Offense Date From: 04/19/2009 To: Arrest Tracking No: 02-0005-03537-4 Citation: Charge Amend No: 0 Sentence Version: 0 Charge Class: F</p> <p><i>Disposition</i> Plea: Not Guilty Plea Date: 10/27/2009 Disposition: Guilty Disposition Date: 03/24/2010</p> <p><i>Jail</i> Life/Death: LIFE Jail Term: Yrs: 0 Mos: 0 Days: 0 Hours: 0 Suspended Term: Yrs: 0 Mos: 0 Days: 0 Hours: 0 UnSuspended Term: Yrs: 0 Mos: 0 Days: 0 Hours: 0</p> <p><i>Probation</i> Probation: Yrs: Mos: Days: Hours: Supervised : Yrs: 0 Mos: 0 Days: 0 Hours: 0 UnSupervised : Yrs: 0 Mos: 0 Days: 0 Hours: 0</p> <p><i>Fine</i> Fine Amt: 0 Fine Suspended Amt: 0 Fine Due: First Pmt Due:</p> <p><i>Community Work Service</i> Hours: Complete By: Report To: Report Date:</p>

Charge No: **2** CJIS Code: **1 1420** Statute Code: **CR.3.202**
Charge Description: **Assault-First Degree**
Offense Date From: **04/19/2009** To: .
Arrest Tracking No: **02-0005-03537-4** Citation:
Charge Amend No: **0** Sentence Version: **0** Charge Class: **F**

Disposition
Plea: **Not Guilty** Plea Date: **10/27/2009**
Disposition: **Guilty** Disposition Date: **03/24/2010**

Jail
Life/Death:
Jail Term: Yrs: **25** Mos: **0** Days: **0** Hours: **0**
Suspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
UnSuspended Term: Yrs: **25** Mos: **0** Days: **0** Hours: **0**

Fine
Fine Amt: **0** Fine Suspended Amt: **0** Fine Due: First Pmt Due:

Community Work Service
Hours: Complete By:
Report To:
Report Date:

Charge No: **3** CJIS Code: **1 5299** Statute Code: **CR.4.204**
Charge Description: **Handgun Use/Felony/Violent Crime**
Offense Date From: **04/19/2009** To:
Arrest Tracking No: **02-0005-03537-4** Citation:
Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition
Plea: **Not Guilty** Plea Date: **10/27/2009**
Disposition: **Guilty** Disposition Date: **03/24/2010**

Jail
Life/Death:
Jail Term: Yrs: **20** Mos: **0** Days: **0** Hours: **0**
Suspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
UnSuspended Term: Yrs: **20** Mos: **0** Days: **0** Hours: **0**

Fine
Fine Amt: **0** Fine Suspended Amt: **0** Fine Due: First Pmt Due:

Community Work Service
Hours: Complete By:
Report To:
Report Date:

Charge No: **4** CJIS Code: **1 5299** Statute Code: **CR.4.204**
Charge Description: **Handgun Use/Felony/Violent Crime**
Offense Date From: **04/19/2009** To:
Arrest Tracking No: **02-0005-03537-4** Citation:
Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition
Plea: Plea Date:
Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **5** CJIS Code: **1 1420** Statute Code: **CR.3.202**
Charge Description: **Assault-First Degree**

Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **F**

Disposition
 Plea: **Not Guilty** Plea Date: **10/27/2009**
 Disposition: **Guilty** Disposition Date: **03/24/2010**

Jail
 Life/Death:
 Jail Term: Yrs: **25** Mos: **0** Days: **0** Hours: **0**
 Suspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
 UnSuspended Term: Yrs: **25** Mos: **0** Days: **0** Hours: **0**

Fine
 Fine Amt: **0** Fine Suspended Amt: **0** Fine Due: First Pmt Due:

Community Work Service
 Hours: Complete By:
 Report To:
 Report Date:

Charge No: **6** CJIS Code: **1 5299** Statute Code: **CR.4.204**
 Charge Description: **Handgun Use/Felony/Violent Crime**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition
 Plea: **Not Guilty** Plea Date: **10/27/2009**
 Disposition: **Guilty** Disposition Date: **03/24/2010**

Jail
 Life/Death:
 Jail Term: Yrs: **20** Mos: **0** Days: **0** Hours: **0**
 Suspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
 UnSuspended Term: Yrs: **20** Mos: **0** Days: **0** Hours: **0**

Fine
 Fine Amt: **0** Fine Suspended Amt: **0** Fine Due: First Pmt Due:

Community Work Service
 Hours: Complete By:
 Report To:
 Report Date:

Charge No: **7** CJIS Code: **1 5299** Statute Code: **CR.4.204**
 Charge Description: **Handgun Use/Felony/Violent Crime**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition
 Plea: Plea Date:
 Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **8** CJIS Code: **1 1420** Statute Code: **CR.3.202**
 Charge Description: **Assault-First Degree**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **F**

Disposition
 Plea: **Not Guilty** Plea Date: **10/27/2009**
 Disposition: **Guilty** Disposition Date: **03/24/2010**

Jail
 Life/Death:
 Jail Term: Yrs: **25** Mos: **0** Days: **0** Hours: **0**
 Suspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
 UnSuspended Term: Yrs: **25** Mos: **0** Days: **0** Hours: **0**

Fine
 Fine Amt: **0** Fine Suspended Amt: **0** Fine Due: First Pmt Due:

Community Work Service
 Hours: Complete By:
 Report To:
 Report Date:

Charge No: **9** CJIS Code: **1 5299** Statute Code: **CR.4.204**
 Charge Description: **Handgun Use/Felony/Violent Crime**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition
 Plea: **Not Guilty** Plea Date: **10/27/2009**
 Disposition: **Guilty** Disposition Date: **03/24/2010**

Jail
 Life/Death:
 Jail Term: Yrs: **20** Mos: **0** Days: **0** Hours: **0**
 Suspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
 UnSuspended Term: Yrs: **20** Mos: **0** Days: **0** Hours: **0**

Fine
 Fine Amt: **0** Fine Suspended Amt: **0** Fine Due: First Pmt Due:

Community Work Service
 Hours: Complete By:
 Report To:
 Report Date:

Charge No: **10** CJIS Code: **1 5299** Statute Code: **CR.4.204**
 Charge Description: **Handgun Use/Felony/Violent Crime**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition
 Plea: Plea Date:
 Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **11** CJIS Code: **1 1420** Statute Code: **CR.3.202**
 Charge Description: **Assault-First Degree**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **F**

Disposition
 Plea: Plea Date:
 Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **12** CJIS Code: **1 5299** Statute Code: **CR.4.204**
 Charge Description: **Handgun Use/Felony/Violent Crime**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition

Plea: Plea Date:
 Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **13** CJIS Code: **1 5299** Statute Code: **CR.4.204**
 Charge Description: **Handgun Use/Felony/Violent Crime**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition

Plea: Plea Date:
 Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **14** CJIS Code: **1 1420** Statute Code: **CR.3.202**
 Charge Description: **Assault-First Degree**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **F**

Disposition

Plea: Plea Date:
 Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **15** CJIS Code: **1 5299** Statute Code: **CR.4.204**
 Charge Description: **Handgun Use/Felony/Violent Crime**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition

Plea: Plea Date:
 Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **16** CJIS Code: **1 5299** Statute Code: **CR.4.204**
 Charge Description: **Handgun Use/Felony/Violent Crime**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition

Plea: Plea Date:
 Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **17** CJIS Code: **2C0900** Statute Code: **CL**
 Charge Description: **Con-Murder-First Degree**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition

Plea: Plea Date:
Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **18** CJIS Code: **1C1420** Statute Code: **CL**
 Charge Description: **Conspiracy/Assault-First Degree**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition

Plea: Plea Date:
Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **19** CJIS Code: Statute Code: **PS.5.133.(c)**
 Charge Description: **Firearm-Possession With Felony Conviction**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **1** Charge Class: **F**

Disposition

Plea: Plea Date:
Disposition: **Nolle Prosequi** Disposition Date: **11/27/2012**

Jail

Life/Death:
 Jail Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
 Suspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
 UnSuspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**

Probation

Probation: Yrs: Mos: Days: Hours:
 Supervised : Yrs: **0** Mos: **0** Days: **0** Hours: **0**
 UnSupervised : Yrs: **0** Mos: **0** Days: **0** Hours: **0**

Fine

Fine Amt: **0** Fine Suspended Amt: **0** Fine Due: First Pmt Due:

Community Work Service

Hours: Complete By:
 Report To:
 Report Date:

Charge No: **20** CJIS Code: **1 0692** Statute Code: **CR.5.622**
 Charge Description: **Possession Of Firearms**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **F**

Disposition

Plea: Plea Date:
Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Charge No: **21** CJIS Code: **1 1106** Statute Code: **PS.5.133.(b)**
 Charge Description: **Regulated Firearm:Illegal Possession**
 Offense Date From: **04/19/2009** To:
 Arrest Tracking No: **02-0005-03537-4** Citation:
 Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition

Plea: Plea Date:
Disposition: **Nolle Prosequi** Disposition Date: **10/30/2009**

Related Person Information

(Each Person related to the case other than the Defendant is shown)

Name: **State Of Maryland**
Party Type: **Plaintiff**
Address: **401 Bosley Avenue**
City: **Towson** State: **MD** Zip Code: **21204 - 4420**

Attorney(s) for the Related Person

Name: **Magee, Esq, John**
Appearance Date: **05/13/2009**
Address: **401 Bosley Avenue**
City: **Towson** State: **MD** Zip Code: **21402**

Document Tracking

(Each Document listed. Documents are listed in Motion No./Sequence No. order)

Doc No./Seq No.: **1/0**
File Date: **04/27/2009** Close Date: **03/24/2010**
Document Name: **Criminal Indictment**

Doc No./Seq No.: **3/0**
File Date: **05/11/2009** Close Date: **03/24/2010**
Document Name: **Info Available to Court indicating Public Defender's Office entering appearance**

Doc No./Seq No.: **4/0**
File Date: **05/07/2009** Close Date: **06/12/2009**
Party Type: **Plaintiff** Party No.: **1**
Document Name: **Motion for Joint Trial**

Doc No./Seq No.: **5/0**
File Date: **05/13/2009** Close Date: **05/13/2009**
Party Type: **Plaintiff** Party No.: **1**
Document Name: **Attorney Appearance**
John Magee

Doc No./Seq No.: **6/0**
File Date: **06/11/2009** Close Date: **06/17/2009**
Party Type: **Defendant** Party No.: **1**
Document Name: **Defense Attorney Appearance Filed**
Marc Mandell

Doc No./Seq No.: **7/0**
File Date: **06/11/2009** Close Date: **06/17/2009**
Party Type: **Defendant** Party No.: **1**

Document Name: **Motion Pursuant to MD rule 4-252 ***

Doc No./Seq No.: **8/0**

File Date: **06/11/2009** Close Date: **03/24/2010**

Party Type: **Defendant** Party No.: **1**

Document Name: **Request Discovery/Motion Produce Docs ***

Doc No./Seq No.: **9/0**

File Date: **07/16/2009** Close Date: **03/24/2010**

Party Type: **Defendant** Party No.: **1**

Document Name: **Motion for Bail Review ***

Doc No./Seq No.: **10/0**

File Date: **07/23/2009** Close Date: **03/24/2010**

Party Type: **Defendant** Party No.: **1**

Document Name: **Petition Writ of Habeas Corpus Bail Review ***

Doc No./Seq No.: **11/0**

File Date: **07/30/2009** Close Date: **03/24/2010**

Party Type: **Defendant** Party No.: **1**

Document Name: **Petition Writ of Habeas Corpus**

Doc No./Seq No.: **12/0**

File Date: **07/29/2009** Close Date: **07/29/2009**

Document Name: **State's Discovery Pursuant to Rule 4-263**

Doc No./Seq No.: **14/0**

File Date: **08/27/2009** Close Date: **03/24/2010**

Party Type: **Plaintiff** Party No.: **1**

Document Name: **Supplemental Discovery***

Filed by Attorney: **John Magee Esq**

Doc No./Seq No.: **17/0**

File Date: **09/16/2009** Close Date: **03/24/2010**

Party Type: **Defendant** Party No.: **1**

Document Name: **Motion to Permit Disclosure of Discovery***

Filed by Attorney: **Marc Mandell Esq**

Doc No./Seq No.: **17/1**

File Date: **09/25/2009** Close Date: **03/24/2010**

Party Type: **Plaintiff** Party No.: **1**

Document Name: **Opposition to Motion to permit disclosure of discovery. ***

Doc No./Seq No.: **18/0**

File Date: **09/24/2009** Close Date: **03/24/2010**

Document Name: **Supplemental Discovery**

Doc No./Seq No.: **19/0**
File Date: **09/30/2009** Close Date: **03/24/2010**
Document Name: **Supplemental Discovery**

Doc No./Seq No.: **20/0**
File Date: **10/16/2009** Close Date: **03/24/2010**
Party Type: **Defendant** Party No.: **1**
Document Name: **Notice of Alibi Witnesses***
Filed by Attorney: **Marc Mandell Esq**

Doc No./Seq No.: **27/0**
File Date: **11/16/2009** Close Date: **03/24/2010**
Document Name: **Motion for New Trial***
Filed by Attorney: **Marc Mandell Esq**
with comments from Judge Bollinger, to be heard at sentencing

Doc No./Seq No.: **27/1**
File Date: **11/19/2009** Close Date: **03/24/2010**
Document Name: **State's Opposition to Defendant's Motion for New Trial ***
Filed by Attorney: **John Magee Esq**

Doc No./Seq No.: **29/0**
File Date: **03/24/2010** Close Date: **03/24/2010**
Document Name: **Commitment Record Issued**

Doc No./Seq No.: **30/0**
File Date: **03/24/2010** Close Date: **03/24/2010**
Document Name: **Commitment Record Issued**

Doc No./Seq No.: **31/0**
File Date: **03/24/2010** Close Date: **03/24/2010**
Document Name: **Commitment Record Issued**

Doc No./Seq No.: **32/0**
File Date: **03/24/2010** Close Date: **03/24/2010**
Document Name: **Criminal Notice of Appeal***
Docket 13 Folio N2-13 Filed by Attorney: **Marc Mandell Esq**

Doc No./Seq No.: **33/0**
File Date: **04/09/2010** Close Date: **04/20/2010**
Document Name: **Motion for Modification or Reduction of Sentence**
Filed by Attorney: **Marc Mandell Esq**

Doc No./Seq No.: **34/0**
File Date: **05/24/2010** Close Date: **05/24/2010**
Document Name: **Original RECORD sent to the Court of Special Appeals of Maryland**
Sent Certified Mail, 1 Volume, 2 Transcripts
#7006 3450 0003 3459 6021

Doc No./Seq No.: **35/0**

File Date: **05/17/2012** Close Date: **11/27/2012**
Document Name: **Writ of Certiorari***

Doc No./Seq No.: **36/0**
File Date: **08/23/2012** Close Date: **11/27/2012**
Document Name: **Order received from Court of Appeals of Maryland denying writ of certiorari**

Doc No./Seq No.: **38/0**
File Date: **09/18/2012** Close Date: **09/18/2012**
Document Name: **Mandate Received from Court of Special Appeals**
JUDGMENT: MARCH 26, 2012: Sentence for first-degree assault of Cassie Harris vacated. Conviction for illegal possession of a regulated firearm reversed and remanded for a new trial on that count. All other judgments of the Circuit Court for Baltimore County affirmed. Costs to be paid 67% by appellant; 33% by appellee. Unreported opinion by Graeff, J.

April 25, 2012: mandate issued.

Doc No./Seq No.: **39/0**
File Date: **10/04/2012** Close Date: **10/04/2012**
Document Name: **Case reviewed, Case Referred to Judge Brobst in re: new trial.**

Doc No./Seq No.: **41/0**
File Date: **10/26/2012** Close Date: **11/27/2012**
Document Name: **Reopen for New Trial**

Doc No./Seq No.: **42/0**
File Date: **10/19/2012** Close Date: **11/07/2012**
Party Type: **Defendant** Party No.: **1**
Document Name: **Motion Pursuant to MD rule 4-252 ***
Filed by Attorney: Marc Mandell Esq

Doc No./Seq No.: **43/0**
File Date: **10/19/2012** Close Date: **11/27/2012**
Party Type: **Defendant** Party No.: **1**
Document Name: **Request Discovery/Motion Produce Docs ***
Filed by Attorney: Marc Mandell Esq

Doc No./Seq No.: **44/0**
File Date: **11/21/2012** Close Date: **11/21/2012**
Party Type: **Defendant** Party No.: **1**
Document Name: **Motion for Modification or Reduction of Sentence**

Doc No./Seq No.: **46/0**
File Date: **11/27/2012** Close Date: **11/27/2012**
Document Name: **Reopen/Modification**

This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland rules 16-1001 through 16-1011, or because of the practical difficulties inherent in reducing a case record into an electronic format.