

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 368

September Term, 2013

ON REMAND

THOMAS ROYAL

v.

STATE OF MARYLAND

Meredith,
Zarnoch, Robert A.
(Retired, Specially Assigned),
Salmon, James P.
(Retired, Specially Assigned),

JJ.

Opinion by Salmon, J.

Filed: January 7, 2016

*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.

Thomas Royal (“Royal”), on November 2, 2012, filed a petition for a *writ of error coram nobis* in the Circuit Court for Baltimore City. Royal asked the circuit court to set aside his 2007 conviction for second-degree assault on the grounds that his guilty plea had not been entered voluntarily. According to Royal, the guilty plea was involuntary because prior to acceptance of the plea, the plea judge failed to make sure that he knew the elements of the charge to which he was pleading guilty.

After a hearing, Royal’s petition was denied by the Circuit Court for Baltimore City in a written opinion. Royal filed a timely appeal to this Court in which he claimed that the circuit court erred in denying his petition. In an unreported opinion filed on May 8, 2014, a panel of this Court reversed the judgment of the circuit court and remanded the case with instructions to grant Royal’s petition for a *writ of error coram nobis*.

The State filed a petition for a *writ of certiorari*, which the Court of Appeals granted on August 4, 2015. On the same date that *certiorari* was granted, the Court of Appeals issued an order that vacated our judgment and remanded the case to this Court for further consideration “in light of” *State v. Smith*, 443 Md. 572 (2015). Upon remand, we asked both sides to file a memorandum addressing the issue of what impact, if any, the decision in *State v. Smith* should have on the subject case. Both Royal and the State filed memoranda addressing that issue.

In its memorandum, the State contended, among other things, that the issue raised by

Royal in his *coram nobis* petition was now moot because, due to events that transpired after Royal's *coram nobis* petition was filed, he no longer could prove that he had experienced, or would experience in the future, adverse collateral consequences as a result of his 2007 second-degree assault conviction. Royal, in his memorandum, agreed with the State that the issue raised in his *coram nobis* petition was now moot. He attached to his memorandum an exhibit that showed that on March 20, 2015, federal authorities had released him from incarceration. Royal asserts, and we agree with his assertion, that:

Although at an earlier time, Mr. Royal was facing collateral consequences in his federal case . . . from his prior [State] [of] Maryland assault conviction, this is no longer true because he has already been released from custody on his federal sentence The vacatur of his second-degree assault conviction can no longer have impact on his term of incarceration because he has already been released from prison. Likewise, a vacatur of his prior conviction will have no impact on his remaining term of supervised release. Therefore, his case is now moot.

**APPEAL DISMISSED AS MOOT;
COSTS TO BE DIVIDED EQUALLY
BETWEEN THE APPELLANT AND
THE MAYOR & CITY COUNCIL OF
BALTIMORE.**