

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2738

September Term, 2015

PERCY EDWARDS, JR., a/k/a PERCY PAIR

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Retired, Specially Assigned),

JJ.

PER CURIAM

Filed: February 6, 2017

*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.

After being convicted by a jury, in the Circuit Court for Baltimore City, of the first degree murder and armed robbery of Christian Robbins, Percy Edwards, Jr., appellant, pleaded guilty to the first degree murders of Cheryl Connelly and his father, Percy E. Pair, Sr., both of which were committed the day after Robbins’s murder. This Court affirmed all of Edwards’ murder convictions on direct appeal. *See Pair v. State*, No. 476, Sept. Term 1991 (Md. App. April 16, 1992).

In 2015, Edwards filed a “Motion to Set Aside Conviction for Lack of Jurisdiction,” which, despite its title, was in fact, a motion to correct illegal sentence. In that motion, Edwards claimed that, because he had murdered more than one person in a ten year period, his conduct fell under the Racketeer Influenced and Corrupt Organizations Act, *see* 18 U.S.C. 1961, and therefore, that the trial court had lacked subject matter jurisdiction over all three of the murder charges. The circuit court denied appellant’s motion without a hearing. The four issues Edwards raises on appeal are reducible to two: (1) whether the circuit court erred in denying his motion and (2) whether the circuit court erred by not holding a hearing on his motion. For the reasons that follow we affirm.

Even if Edwards could have been charged with racketeering, or another federal crime, based on his committing the murders that did not affect the trial court’s subject matter jurisdiction. *See State ex rel. Gilda v. Kriss*, 191 Md. 568, 579 (1948) (“The fact that an act may constitute a violation of the law of two sovereignties, *e.g.*, a state and the United States, does not exempt it from punishment by either or both sovereignties.”). First degree murder is a felony offense under Maryland law, *see* Md. Code Ann., Crim. Law Art., § 2-201(b)(1) and all three murders were committed in Baltimore City. Moreover,

although there are various circumstances under which a defendant can be charged with murder in federal court, a federal court only has *exclusive* jurisdiction over a murder if it is committed “[w]ithin the special maritime and territorial jurisdiction of the United States,” *see* 18 U.S.C. § 1111, which did not occur in the case. Consequently, the Baltimore City Circuit Court had subject matter jurisdiction over all of the offenses for which appellant was convicted. *See* Md. Code Ann., Cts. & Jud. Proc. § 1-501 (stating that a circuit court has “jurisdiction in all civil and criminal cases within its county . . . except where by law jurisdiction has been limited or conferred exclusively upon another tribunal.”).

Finally, the circuit court was not required to hold a hearing before denying Edwards’ motion because the trial court did not “modify, reduce, correct, or vacate” his sentence. *See* Maryland Rule 4-345(f) (setting forth when a hearing is required on a motion to correct illegal sentence). Nor was it required to hold a hearing even if we were to find that the motion was made pursuant to Maryland Rule 4-252(d). Unless there is “a factual dispute central to the resolution of the motion in question,” which there was not in this case, the circuit court is not required to hold a hearing on motions filed pursuant to that rule. *See McMillan v. State*, 65 Md. App. 21, 30 (1985).

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