Circuit Court for Baltimore County
Case No. 03-K-95-004402

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0151

September Term, 2025

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BENJAMIN SCOTT GARRIS

v.

STATE OF MARYLAND

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Shaw,
Ripken,
Battaglia, Lynne A.,
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Ripken, J.

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Filed: June 17, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In May of 1996, a jury convened in the Circuit Court for Baltimore County found Benjamin Scott Garris ("Appellant") guilty of first-degree murder, arson, and robbery with a dangerous and deadly weapon. Thereafter, the court imposed a sentence of life without the possibility of parole for the murder conviction, as well as consecutive sentences of thirty years for the arson conviction and twenty years for the robbery conviction. In June of 2024, Appellant, who was tried as an adult and was sixteen years old at the time he committed the offenses, filed a motion seeking a reduction of sentence pursuant to the Juvenile Restoration Act, 2021 Md. Laws, ch. 61 ("JUVRA"). The court conducted a hearing in November of 2024 and subsequently denied Appellant's motion in March of 2025. Appellant noted a timely appeal and presents the following issue for our review:[1]

> Whether the circuit court erred in denying Appellant's motion for reduction of sentence.

For the reasons to follow, we shall affirm the judgment of the circuit court.

## FACTUAL AND PROCEDURAL BACKGROUND

### *Underlying Facts*

We adopt the facts as set forth in the JUVRA court's March 2025 memorandum opinion. Therein, the court described the facts of the underlying crimes as presented in this

[1] Rephrased from:

> In ruling on the [A]ppellant's [m]otion for [r]eduction of [s]entence [p]ursuant to the Juvenile Restoration Act, did the circuit court err in retaining the sentence of life without the possibility of parole after the General Assembly prohibited that penalty for individuals who were under 18 years of age at the time of the crime?

Court's unreported opinion in *Garris v. State*, No. 1089, September Term 1996, (Md. Ct. Spec. App. filed Apr. 21, 1997) (per curiam) (unreported). A brief summary is as follows:

> At approximately 2:30 a.m., on October 8, 1995, a security officer employed by Sheppard Pratt Hospital discovered the body of Sharon Edwards, a night shift worker, in Fordham Cottage. The cottage was a therapeutic group home on the hospital grounds. An autopsy determined that the victim had sustained twenty-six stab and cutting wounds. The fatal wound was sustained to her neck, which penetrated through the carotid artery and severed the spinal cord. The security guard also discovered a small fire on the front porch of the cottage, which he extinguished. When the police arrived on the scene they found a strong noxious chemical odor, a mixture of chemicals covering the floor of the cottage, and gauze stretched about the cottage in an apparent attempt to start or spread the fire. Appellant, a sixteen[-]year-old patient at Sheppard Pratt and a resident of the cottage, was missing and soon became the prime suspect. On October 27, 1995, [A]ppellant was arrested in Virginia Beach, Virginia and the following morning gave oral and written statements to Baltimore County detectives in which he admitted to stabbing the victim, taking eleven dollars from the victim's body, and setting the fire.

Per curiam op. at 1–2.

*Procedural History*

In May of 1996, the case proceeded to a jury trial, and the jury found Appellant guilty of first-degree murder, arson, and robbery with a dangerous and deadly weapon. In July of 1996, the circuit court sentenced Appellant to life without the possibility of parole for the murder conviction, thirty years of incarceration consecutive for the arson conviction, and twenty years of incarceration consecutive for the robbery conviction. Appellant appealed his convictions. This Court affirmed the convictions in an unreported per curiam opinion in April of 1997, and the Supreme Court of Maryland denied a petition for writ of certiorari in October of the same year. Thereafter, Appellant filed a petition for

post-conviction relief, advancing several arguments, including ineffective assistance of counsel, which the circuit court later denied.

In May of 2016, Appellant filed a motion to correct illegal sentence. Therein, Appellant asserted that his sentence was unconstitutional and illegal pursuant to *Miller v. Alabama*, 567 U.S. 460 (2012), *Montgomery v. Louisiana*,[2] 577 U.S. 190 (2016), as well as the Eighth Amendment and Articles 24 and 25 of the Maryland Declaration of Rights, given that he was sentenced to life without the possibility of parole while he was a minor. The circuit court conducted a hearing regarding the motion in January of 2018. Thereafter, the court issued a memorandum opinion and order denying Appellant's motion, ruling that the sentencing court had considered the substance of what would later become the *Miller* and *Montgomery* factors before determining that Appellant could not be rehabilitated, thereby placing Appellant's sentence within the confines of the law. Appellant appealed the decision, then later voluntarily dismissed the appeal in June of 2023.

In June of 2024, Appellant filed the motion at issue here pursuant to Maryland Code, section 8-110 of the Criminal Procedure Article ("CP"). The circuit court conducted a hearing in November of 2024 and subsequently issued a memorandum opinion and order addressing the requisite factors and denying Appellant's motion, having determined that Appellant continued to pose a danger to the public and that a reduction of sentence would not serve the interests of justice. Appellant then noted a timely appeal.

[2] In *Miller* and *Montgomery*, the United States Supreme Court established—with retroactive effect—that the Eighth Amendment generally forbids the imposition of mandatory life sentences without the possibility of parole for juvenile offenders. *See Malvo v. State*, 481 Md. 72, 82–83 (2022).

Additional facts will be incorporated as relevant.

## DISCUSSION

### THE CIRCUIT COURT DID NOT ERR IN DENYING APPELLANT'S MOTION.

#### A. Party Contentions

Appellant asserts that the court erred in denying his motion for reduction of sentence. Specifically, Appellant contends that the court committed legal error when the court denied his motion and, he asserts, effectively re-sentenced him to life without the possibility of parole in violation of JUVRA as codified under CP section 6-235. Per Appellant, the General Assembly enacted JUVRA to prohibit such action. Appellant contends that *Webster v. State*, 359 Md. 465 (2000), *Brown v. State*, 470 Md. 503 (2020), as well as the Justice Reinvestment Act ("JRA") as codified in Maryland Code, (2021 Repl. Vol.), section 5-609.1 of the Criminal Law Article—which Appellant contends is analogous to JUVRA—support this position.

The State asserts that the court did not err in denying Appellant's motion. Namely, the state asserts that CP sections 8-110 and 6-235 are not intertwined and provide different statutory schemes by which a juvenile may seek relief following conviction. Therefore, per the State, the circuit court's denial of Appellant's petition pursuant to CP section 8-110 does not trigger the prospective prohibition propounded under CP section 6-325, although enacted under the same statute. The State further argues that *Webster*, *Brown*, and the JRA are distinguishable from the matter *sub judice* and are thus inapplicable.

In response, Appellant re-emphasized that the General Assembly's intent in enacting JUVRA was to eliminate life without the possibility of parole as a possible

sentence for juvenile offenders at the time of the offense. Thus, the court erred in "[r]etaining" Appellant's sentence. Additionally, Appellant reasserted the applicability of *Webster* and *Brown* to this matter.[3]

**B. Standard of Review**

In this matter, Appellant does not contest the circuit court's findings, nor does Appellant challenge the court's application of the law to those findings in reaching the ultimate decision to deny his motion for reduction of sentence. Rather, Appellant challenges whether the denial of his motion pursuant to CP section 8-110 permitted an unlawful sentence pursuant to CP section 6-235 to remain intact, which is a matter of

[3] In his reply brief, Appellant argues that the matter *sub judice* is "analogous" to the issue considered by the Supreme Court of the United States in *Bostock v. Clayton County, Georgia*, 590 U.S. 644 (2020). Appellant made this argument for the first time in the reply brief. "An appellate court will not ordinarily consider an issue raised for the first time in a reply brief[,]" as to do so would deny an appellee the opportunity to respond to the argument. *Robinson v. State*, 404 Md. 208, 216 n.3 (2008) (citation omitted). We therefore decline to issue a holding on Appellant's argument. *See id.* We note, however, that in *Bostock*, the Supreme Court determined that Title VII of the Civil Rights Act prohibits discrimination based on sexual orientation and gender identity in the workplace, though the statute only explicitly proscribes discrimination based on "sex." 590 U.S. at 650–52, 683. In so determining, the Court emphasized that such an interpretation was consistent with Congress' "legislative choice" in using "broad language" in the statute. *Id.* at 683. Here, as discussed *infra*, the General Assembly enacted JUVRA with two statutory provisions to provide distinct mechanisms for relief. Thus, interpreting the two provisions as Appellant suggests would counteract the "legislative choice" of the General Assembly, *id.* at 683, as well as our "general principles of statutory interpretation[.]" *See Kelly*, 397 Md. at 419.

statutory interpretation. We review such matters *de novo*. *Trimble v. State*, 491 Md. 378, 405 (2025); *Johnson v. State*, 258 Md. App. 71, 87 (2023).

**C. Analysis**

The General Assembly enacted JUVRA in 2021 and codified the statute in CP sections 8-110 and 6-235. *See Jedlicka v. State*, 481 Md. 178, 188–89 (2022). In relevant part, CP section 8-110 provides that:

> (a) This section applies only to an individual who:
>
> (1)(i) was convicted as an adult for an offense committed when the individual was a minor;
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> (ii) was sentenced for the offense before October 1, 2021; and
>
> (iii) has been imprisoned for at least 20 years for the offense; []
>
> * * *
>
> (c) Notwithstanding any other provision of law, after a hearing under subsection (b) of this section, the court may reduce the duration of the sentence if the court determines that:
>
> (1) the individual is not a danger to the public; and
>
> (2) the interests of justice will be better served by a reduced sentence.
>
> * * *
>
> (e)(1) The court shall issue its *decision to grant or deny a motion to reduce the duration of a sentence in writing.*

(emphasis added). CP section 6-235 provides that: "[n]otwithstanding any other provision of law, when sentencing a minor convicted as an adult, a court: (1) may impose a sentence less than the minimum term required under law; and (2) may not impose a sentence of life imprisonment without the possibility of parole or release."

"The general principles of statutory interpretation are well established, as our goal is to identify and effectuate the legislative intent underlying the statute." *Dep't of Health and Mental Hygiene v. Kelly*, 397 Md. 399, 419 (2007) (citation omitted). To ascertain that intent, "we first examine the plain language of the statute; if the language is unambiguous when construed according to its ordinary meaning, then we will give effect to the statute as written." *Id.* (quotation marks and citation omitted). In this endeavor, we attempt to "avoid constructions that are illogical or nonsensical, or that render a statute meaningless." *Nationstar Mortg. LLC v. Kemp*, 476 Md. 149, 170 (2021) (quotation marks and citation omitted).

Here, neither party contests that Appellant was eligible to file a motion for reduction of sentence pursuant to CP section 8-110, given that he was convicted at age sixteen, sentenced before 2021, and had served more than twenty years in prison at the time of the motion. The issue is whether the circuit court—in denying Appellant's motion pursuant to CP section 8-110—thereby violated CP section 6-235's prospective rule that a court "may not impose a sentence of life imprisonment without the possibility of parole or release." CP § 6-235(2). There is no indication in either statute that the General Assembly intended for such a relationship to exist.

Though codified within the same article of the Maryland Code, CP sections 8-110 and 6-235 provide distinct mechanisms for convicted juvenile offenders to seek relief under one, but not both, provisions. *See Jedlicka*, 481 Md. at 188–89. That is, CP section 6-235 is only applicable to juvenile offenders sentenced after the General Assembly enacted JUVRA in October of 2021, not before. *See Malvo v. State*, 481 Md. 72, 85 (2022)

(explaining that JUVRA, subsequent to its enactment, prospectively banned sentences of life without the possibility of parole for juveniles); *see also Mason v. State*, 309 Md. 215, 219 (1987) ("A statute is presumed to operate prospectively from its effective date, absent clear language to the contrary, or unless the manifest intention of the Legislature indicates otherwise[.]"). CP section 8-110, on its face, only applies to convicted juvenile offenders who were sentenced before the enactment of the statute. *See* CP § 8-110(a)(1)(ii) (indicating that the section only applies to convicted juvenile offenders who were sentenced "before October 1, 2021"). Thus, only relief pursuant to CP section 8-110 was available to Appellant at the time of the filing of his motion, given that he was sentenced in 1996. *Id.* Moreover, there is no indication in CP section 8-110 that the General Assembly intended it to overlap with CP section 6-235 in the manner suggested by Appellant. *See generally* CP § 8-110; *cf. Jedlicka*, 481 Md. at 189, 191 (concluding that of the JUVRA statutes, only CP section 8-110 was "relevant" where the offender in the case was sentenced in 2011). Accordingly, it is clear that the General Assembly intended CP sections 8-110 and 6-235 to be independent mechanisms for juvenile offenders to seek relief. *See Trimble*, 491 Md. at 410 (citation omitted) ("[W]e neither add nor delete language so as to reflect an intent not evidenced in the plain and unambiguous language of the statute[.]") (quoting *Woodlin v. State*, 484 Md. 253, 279 (2023)).

Appellant's reliance on the JRA and *Brown* is misplaced. The JRA, among other aspects, eliminated mandatory minimum sentences for certain drug offenses and provided offenders previously sentenced to mandatory minimum sentences an avenue to seek a reduction of sentence. *See Brown*, 470 Md. at 519–20. In *Brown*, the Supreme Court of

Maryland determined that the denial of a motion for reduction of sentence pursuant to the JRA is "akin" to a resentencing. *Id.* at 552. In reaching that conclusion, the Court observed that unlike a traditional motion to reconsider, a motion under the JRA seeking modification of a mandatory minimum sentence both allowed for retroactive application and allocated the burden of persuasion on the State to demonstrate modification was inappropriate. *Id.* The Court noted that in that scenario, if the JRA relief was denied, "a new sentence has been imposed[,] as the sentence is now an individualized sentence" rather than "a statutory mandate." *Id.* (emphasis omitted).

Here, Appellant contends that the circuit court was similarly restricted to sentencing Appellant to life without the possibility of parole in order to avoid the possibility that Appellant would be eligible for parole after serving eleven years. Per Appellant, the circuit court "was deprived of the freedom" to tailor its sentence to Appellant's particular circumstances. This is not so. The Supreme Court of Maryland in *Wooten* emphasized that a sentencing court, in its discretion, may suspend all or a portion of a sentence for first-degree murder. *State v. Wooten*, 277 Md. 114, 115 (1976); *see also State v. Wilkins*, 393 Md. 269, 281–84 (2006). Thus, the sentencing court in this matter had, but declined to exercise, its discretion to suspend all or a portion of Appellant's sentence. 277 Md. at 115; 393 Md. 281–84. Indeed, in this case, the court imposed consecutive terms of incarceration as to the arson and robbery convictions, which further demonstrates the individualized nature of the sentence. *See, e.g.*, *Collins v. State*, 69 Md. App. 173, 197–98 (1986) (indicating that a sentencing judge has discretion to impose consecutive or concurrent sentences). Further, Appellant, post *Miller v. Alabama*, 567 U.S. 460 (2012) and

*Montgomery v. Louisiana*, 577 U.S. 190 (2016), filed a motion to correct illegal sentence pursuant to Maryland Rule 4-345, and the circuit court determined that the sentencing court had already considered the substance of what would become the relevant factors and found that Appellant could not be rehabilitated. Thus, the sentencing court imposed an individualized sentence, which a reviewing court—after considering the relevant factors—affirmed in January of 2018 pursuant to Appellant's motion to correct illegal sentence.

Moreover, that a denial of a motion to modify sentence under the JRA is "akin" to sentencing does not mean that such a denial under JUVRA equates to sentencing as Appellant suggests.[4] Here, the circuit court, in denying Appellant's motion pursuant to JUVRA, did not engage in an independent assessment of the fitness of Appellant's sentence as courts are required to do pursuant to the JRA. *See Brown*, 470 Md. at 552. Rather, JUVRA courts assess whether juvenile offenders have been rehabilitated, *see Trimble*, 262 Md. App. 452, 462 (2024), *aff'd*, 491 Md. 378 (2025). The court in this matter did not find Appellant so rehabilitated, given that Appellant—while incarcerated—created and sold artwork depicting the murder he committed and sold it to members of the public, thereby revictimizing the victim's family. Accordingly, motions pursuant to the JRA and thus *Brown* are distinguishable from the matter *sub judice*.

*Webster* is similarly distinguishable. In *Webster*, the Supreme Court of Maryland considered the trial court's grant of a revisory motion pursuant to Maryland Rule 4-345.

[4] *See Akin*, Merriam-Webster, https://www.merriam-webster.com/dictionary/akin, archived at https://perma.cc/56BS-RXAZ (noting that "akin" means "essentially similar, related, or compatible").

*See* 359 Md. at 471, 472. At issue was an ambiguity created by an amendment to a criminal statute, which stated that the amendment's effect was to "apply prospectively only[,]" however also defined the term "prospective" as dependent on the date of the defendant's sentencing. *See id.* at 482 ("Since the Legislature made prospectivity to depend upon the date of . . . sentencing, the critical question is the meaning of the word[] 'sentence[.]'").

Here, the language outlined in CP section 6-235 contains no such ambiguity regarding its applicability, *see* CP § 6-235(2), nor does the provision cross-reference CP section 8-110. *See generally* CP § 6-235, § 8-110. Thus, "we will give effect to the statute as written[,]" *Kelly*, 397 Md. at 419 (quotation marks and citation omitted), which is that subsequent to October 1, 2021, courts cannot sentence a juvenile offender to life without the possibility of parole. *See Mason*, 309 Md. at 219. Additionally, as discussed *supra*, the denial of Appellant's motion for modification of sentence pursuant to CP section 8-110 did not constitute a resentencing, such that he was entitled to a reduction of sentence pursuant to CP section 6-235. To determine that such a relationship exists would effectively "render [CP section 8-110] meaningless." *See Kemp*, 476 Md. at 170. We decline to do so, given that there is no indication that the General Assembly intended for the provisions to intersect as Appellant suggests. We affirm the judgment of the circuit court.

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