

Circuit Court for Somerset County  
Case No.: 19-K-11-009815

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 213

September Term, 2020

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JOEL CHRISTOPHER SUTTON

v.

STATE OF MARYLAND

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Nazarian,  
Arthur,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 1, 2021

\*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.

Following a 2012 trial in the Circuit Court for Somerset County, a jury found Joel Christopher Sutton, appellant, guilty of first-degree murder, second-degree murder, first-degree assault, second-degree assault, robbery, robbery with a deadly or dangerous weapon, use of a firearm in the commission of felony or crime of violence, reckless endangerment, and wearing and carrying a handgun. The court sentenced appellant to life imprisonment for first-degree murder, and to a consecutive term of twenty years' imprisonment for use of a firearm in the commission of felony or crime of violence. The remaining counts merged for sentencing.

In March of 2020, appellant filed a paper titled “Motion to Vacate Judgment for Lack of Jurisdiction, Pursuant to Md. Rule 4-252(d)” which the circuit court thereafter summarily denied. Appellant noted an appeal from that ruling. For the reasons that follow, we shall affirm.<sup>1</sup>

Appellant claims that the circuit court lacked jurisdiction to try him for his offenses because of a perceived lack of proper service of process. This is so, according to him, because, *inter alia*, he “never consented to or submitted voluntarily to the jurisdiction of the trial court.” This assertion is belied by the record. According to this Court’s unreported

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<sup>1</sup> We note that appellant’s motion in the circuit court was two single-spaced typewritten pages long and contained a string of bald allegations alleging that the circuit court lacked jurisdiction to try him for his offenses because of “improper service of criminal process” and because he never consented to the jurisdiction of the court. It also baldly alleged that his arrest warrant was improperly issued and that it was improperly served on him by a police officer from a different county than the county where appellant then resided. On appeal, appellant’s argument has expanded to fill 17 single-spaced typewritten pages. In this appeal, we shall only address the matters that were before the circuit court in appellant’s motion. Given the deficiency of that pleading, we could affirm on that basis alone. Nevertheless, we shall address the merits.

opinion on direct appeal of appellant’s convictions, appellant voluntarily surrendered to police on October 21, 2011 after an arrest warrant was issued for him. *Joel Christopher Sutton v. State of Maryland*, No. 150, Sept. Term 2013, slip op. at 3 (filed March 24, 2014).

None of appellant’s claims of improper service of process would have divested the circuit court of jurisdiction over him such that he could raise them at this stage of the proceedings. His reliance on Maryland Rule 4-252(d), which provides that “[a] motion asserting failure of the charging document to show jurisdiction in the court or to charge an offense may be raised and determined at any time,” is misplaced. His assertions do not rise to the level contemplated by Rule 4-252(d). Rather, his complaints are directed toward the institution of the prosecution. Any defect in the institution of the prosecution must be raised before trial, or it is waived. Md. Rule 4-252(a).

Appellant’s claim that the arrest warrant was improperly issued and served on him is likewise without merit. “The simple answer” to appellant’s contention “is that the sole fact that an arrest may have been unlawful does not affect the jurisdiction of the court, is not a ground for quashing the indictment and does not preclude trial and conviction for the offense.” *Matthews v. State*, 237 Md. 384, 387 (1965). “The general rule, followed almost unanimously in state and federal courts, is that illegal arrest does not void a subsequent

conviction.” *Macon v. State*, 57 Md. App. 705, 717 (1984), *rev’d on other grounds, sub nom. Maryland v. Macon*, 472 U.S. 463 (1985) (citations omitted).

We affirm.

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