

Circuit Court for Baltimore City
Case No. 198086011

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0343

September Term, 2024

CARLEANA KIRBY

v.

STATE OF MARYLAND

Tang,
Albright,
Raker, Irma S.
(Senior Judge, Specially Assigned),

Opinion by Raker, J.

Filed: April 21, 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).

Appellant, Carleana Kirby, plead guilty in the Circuit Court for Baltimore City to felony murder and use of a handgun in the commission of a felony on March 4, 1999. She presents the following question for our review:

“Did the circuit court err in denying Appellant’s motion for reduction of sentence pursuant to the Juvenile Restoration Act?”

Finding error, we shall reverse.

I.

Appellant was indicted for the offenses of felony murder, use of a handgun in the commission of a felony and wearing and carrying a handgun on her person. At the time of the offenses, appellant was fifteen years of age. She pleaded guilty to the first two charges. The court sentenced appellant to life in prison, all but 50 years suspended, followed by 5 years supervised probation.

On February 11, 1998, appellant was involved in a robbery and murder at a Baltimore bar along with a nineteen-year-old and a twenty-year-old. During the course of the robbery, while her co-defendants may have been retreating, appellant shot and killed Theresa Ambrose, who bartended at the bar and who had, in the past, helped the assailants when they came in the bar. Appellant was arrested and indicted by the Grand Jury for Baltimore City.

On August 24, 1998, appellant filed a motion to transfer jurisdiction to the juvenile court. After a hearing on December 22, 1998, the court denied the motion. The court noted appellant’s mental health diagnoses and the physical and sexual abuse she had suffered at

the hands of family members. The court noted, however, that there was no institution, facility, or program which would meet her needs, such as long term psychiatric or psychological therapy. The court noted that appellant’s family was not much of a resource for her. Accordingly, the motion was denied and appellant remained subject to the jurisdiction of the circuit court. Appellant pleaded guilty and was sentenced as noted.

On June 23, 2023, appellant filed a Motion for Reduction of Sentence pursuant to the Juvenile Restoration Act, Maryland Code, (2001, Volume 2018, 2022 Supp.), § 8-110 of the Criminal Procedure Article (“Crim. Pro.”)¹ requesting that her sentence of life in prison with all but 50 years suspended be reduced to life in prison, suspend all but time served, which would be twenty-six years.

The court held a hearing on the motion, at which appellant presented evidence in support of the proposed reduction. The evidence included a biopsychosocial report by Terri Green, who emphasized appellant’s complicated family and community circumstances and the trauma, abuse, and neglect appellant experienced growing up. While in prison, appellant received a single infraction, twenty years prior. Appellant presented evidence that she received various certificates of achievement, had engaged in extensive rehabilitative programming and had been recognized for her contributions. She attended religious services and earned certificates for her participation in numerous religious programs. Appellant presented letters from many individuals who wrote on appellant’s behalf, including Administrative Chaplain Karen R. Thomas, Minister Carole A. Cloud,

¹ All subsequent statutory references herein shall be to Md. Code, Criminal Procedure Article.

and women with whom appellant had been incarcerated. The letters describe appellant's remorse, her accomplishments while incarcerated, her dedication to self-improvement, and the authors' vouching for appellant's fitness to reenter society. Appellant submitted a reentry plan, which included her intent to attend Damascus House Restore Program, a non-profit organization whose mission is to work with returning citizens to help ensure stability in their return to society. The program provides housing and mental health therapy, among other services. Various letters suggested that this program would be a good fit for appellant. The Office of the Public Defender's Community Engagement Reentry Project team submitted a note that they would serve as liaison with the various community programs and support appellant's transition.

After hearing the evidence, the court denied appellant's motion, explaining as follows:

“The court considers that the defendant was at the time in accordance with the factors that the nature of the offense in this case was heinous, it was horrible, it was cold, it was heartless and it was with a callous disregard for life. At the time of the murder the characteristics of the defendant were that she was that of an incorrigible and impenitent teenager. She was at the time essentially attempting to live an adult life. She had stopped attending her therapy. She had moved out of her grandmother's home.”

The court noted that appellant's grandmother taught her right from wrong and that she was disciplined; that she had “overwhelmingly exceptionally complied with the rules of the institution”; that she had “completed quite extensive educational and vocational and behavioral programming”; that she had “demonstrated maturity, rehabilitation and fitness to enter society”; and that the “impact of Ms. Ambrose's tragic murder has been devastating on her family.” The court noted that it had received “a detailed account of the defendant's

child life, her family history and her upbringing, her involvement with Child Protective Services, the fact that she has been a victim of sexual assault, the treatment that was attempted through Johns Hopkins Hospital and in Johns Hopkins Children’s Mental Health Center.” The court recognized that, at the time appellant was sentenced, there were fewer available resources.

The court appreciated appellant’s remorse as genuine and stated that she “did show a level of maturity that most people her age would not.”

The court considered all of this information and commented as follows:

“I feel like that Ms. Kirby is in a bit of a catch-22. Because the thing is that the court has to make the finding that one, the defendant’s not a threat to the public—a danger to the public and two, that the interest of justice are better served by a reduced sentence.”

The court determined that appellant was “not likely a danger to the public given her reputation.” However, in evaluating the interests of justice, the court found as follows:

“[T]hat it would be fundamentally unfair to disturb this plea agreement. The court finds that notwithstanding any of the things that [APPELLANT] has shown or done or demonstrated, this—this was the agreement and the agreement was appropriate.

I should also note that although the defendant’s rights were protected during the plea agreement, the rights of the next of kin under the victim’s and witness’s rights, the victim’s rights have continually been preserved throughout all of these processes.

And I also find that suspending all but 50 years of this life sentence and making the defendant eligible for parole at 25 years as well as the . . . the concurrent sentence of use of the handgun demonstrates utmost fairness. Especially when you balance that with the defendant’s traumatic filled—trauma filled childhood, her level of maturity and the heinous crime which she committed and the role that she played in committing that crime.

The court finds that the sentence as imposed in the plea agreement was—was more than fair. Again, balancing the crime that the defendant committed, her role in the crime with what she went through and throughout her childhood and up until the time that she committed this crime. And so for that reason I cannot find that based on anything that I’ve been provided that the interest of justice are better served by reducing the sentence. So for all of those reasons the motion is denied.” (emphasis added).

This timely appeal followed.

II.

Before this Court, appellant argues that the circuit court erred in denying her motion for reduction of sentence pursuant to the Juvenile Restoration Act (JUVRA). Appellant argues that the lower court misapplied the JUVRA in ruling that the interests of justice would not be served by reducing appellant’s sentence because she pled guilty pursuant to a plea agreement and received a fair sentence. Appellant argues that this analysis improperly trumped the other statutory factors and that the statute does not contemplate denial of relief if the sentence was fair or pursuant to a guilty plea. Appellant asserts that the circuit court accorded minimal weight to appellant’s demonstrated maturity, rehabilitation, and fitness to rejoin society, whereas that factor should have been given foremost consideration under the circumstances. Appellant argues that *Trimble v. State*, 491 Md. 378 (2025), where the Maryland Supreme Court held that no one factor carries greater weight than another, is distinguishable from the case *sub judice*. Appellant argues that she “pleaded guilty, accepted responsibility, and expressed deep remorse,” while appellant in the *Trimble* case presented an insanity defense only. Additionally, the Court in *Trimble* found that Trimble was not fit to reenter society, whereas the opposite is true

about appellant. Finally, appellant asserts that the court made clearly erroneous findings of fact that tainted its decision. Appellant argues that, in concluding that appellant left her grandmother's home, where she was taken care of, the court ignored evidence that appellant had been subjected to horrific sexual and psychological abuse while residing with her grandmother. Appellant maintains that the court refused to view appellant as a child at the time of the crime and improperly categorized her as incorrigible.

The State argues that the circuit court soundly exercised its discretion in denying appellant's motion to reduce her sentence. The State maintains that the court's decision is discretionary and that it was proper for the court to determine that appellant failed to demonstrate that the interests of justice would be better served by a sentence reduction. The court did not commit legal error by weighing the factors in a way that appellant dislikes and that the court could consider appellant's underlying sentence and plea. The State asserts that *Trimble*, which is controlling, precludes the court from weighing appellant's rehabilitation more heavily than any other factor. Finally, the State argues that the court's characterization of the evidence was not clearly erroneous. Appellant's testimony made room for the conclusion that she was incorrigible and impenitent and that her grandmother's home was a positive influence, one which she chose to leave.

III.

Crim. Pro. § 8-110 creates an avenue for the court to reduce the sentence of a defendant who has served at least twenty years in prison for a crime committed as a minor. Crim. Pro. § 8-110(c) provides that after a defendant files a motion to reduce sentence and

after a hearing, “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.”

Crim. Pro. § 8-110(d) provides the following factors for the court to consider:

“A court shall consider the following factors when determining whether to reduce the duration of a sentence under this section:

- (1) the individual’s age at the time of the offense;
- (2) the nature of the offense and the history and characteristics of the individual;
- (3) whether the individual has substantially complied with the rules of the institution in which the individual has been confined;
- (4) whether the individual has completed an educational, vocational, or other program;
- (5) whether the individual has demonstrated maturity, rehabilitation, and fitness to reenter society sufficient to justify a sentence reduction;
- (6) any statement offered by a victim or a victim’s representative;
- (7) any report of a physical, mental, or behavioral examination of the individual conducted by a health professional;
- (8) the individual’s family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system;
- (9) the extent of the individual’s role in the offense and, if the individual was a minor at the time of the offense, whether and to what extent an adult was involved in the offense;
- (10) the diminished culpability of a juvenile as compared to an adult, including an inability to fully appreciate risks and consequences, if applicable; and

(11) any other factor the court deems relevant.”

The statute created jurisdiction, where none existed previously, for courts to review and reduce sentences imposed on juvenile offenders who have served a minimum of twenty years. “The statute was introduced and supported under the theory that juveniles have diminished culpability at the time of their crime(s) and are likely to have been rehabilitated during their incarceration, and, thus, the public interest may be best served by their release.” *Johnson v. State*, 258 Md. App. 71, 89 (2023). “[J]uveniles have diminished culpability at the time of their criminal conduct and are more capable of rehabilitation.” *Id.* at 89 n.17. “Under Eighth Amendment jurisprudence, a sentence imposed on a juvenile offender ordinarily must provide ‘some meaningful opportunity for release based on demonstrated maturity and rehabilitation.’” *Sexton v. State*, 258 Md. App. 525, 542 (2023) (quoting *Graham v. Florida*, 560 U.S. 48, 75 (2010)).

In *Farmer v. State*, 481 Md. 203 (2022), the Court, in a footnote, referred to the JUVRA’s legislative history supporting this intent:

“A sponsor of the Senate bill that was enacted as JUVRA remarked that the legislation would provide juvenile lifers an opportunity to be released from prison by proving they have reformed their lives and shown that ‘[r]edemption is possible.’ Written testimony of Senator Christopher West (March 26, 2021) submitted to the House Judiciary Committee concerning Senate Bill 494 (2021). In testimony before the House Judiciary Committee concerning the cross-filed House Bill, a retired circuit court judge noted that the federal Constitution requires that juvenile offenders have ‘a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation’ and opined that the bill would ‘alleviate that constitutional problem’ and bring ‘Maryland into conformance with what the Supreme Court has mandated and what other states have already done.’ Testimony of Gary Bair on January 21, 2021, concerning House Bill 409 (2021), available at <https://tinyurl.com/5xr5pn6f> at 4:35:23. Testimony by other advocates for

the bill, such as the Campaign for Fair Sentencing of Youth and the Maryland Catholic Conference, also equated the legislation with the standards set by the Supreme Court in *Graham* . . .”

Farmer, 481 Md. at 231 n.24.

In *Sexton*, the trial court denied appellant’s JUVRA motion because it was “‘not convinced’ that the sentence imposed by the original sentencing judge ‘under all these circumstances [was] inappropriate.’” *Sexton*, 258 Md. App. at 545. The appellate court reversed, discussing sentence reduction under the statute and parole eligibility, holding as follows:

“[T]he appropriateness of the original sentence, and the facts considered by the original sentencing judge, were not at issue before the court. The fact that Mr. Sexton’s original sentence was parole-eligible did not impair his right to be considered for a sentence reduction by the circuit court under CP § 8-110. The circuit court was required to decide the merits of Mr. Sexton’s motion for reduction of sentence pursuant to the requirements of the statute; under the relevant legal standards set forth in CP § 8-110, that decision belonged to the circuit court, not the parole board. Thus, the circuit court committed an error of law in ruling that ‘whether or not Mr. Sexton has exhibited behavior that entitles him to a release from incarceration is . . . a parole board decision and not this Court’s decision.’” *Id.* at 545.

The Supreme Court of Maryland in *Trimble v. State*, 491 Md. 378, 405 (2025) articulated the applicable standard of review of a denial of a motion for reduction of sentence under the Act, explaining as follows:

“Under JUVRA, the decision to grant or deny a motion for reduction of sentence under CP § 8-110 generally rests in the discretion of the circuit court upon consideration of the enumerated factors. Even under that standard of review, the circuit court’s discretion is tempered by the requirement that the court apply the correct legal standards. Where a trial court fails to do so, it abuses its discretion.” (cleaned up).

In *Trimble*, the Court elaborated on the decision whether to reduce a sentence. The Court noted as follows:

“In reviewing the text of the JUVRA sentence reduction provisions, we first observe that the General Assembly did not displace the trial court’s broad discretion in the sentencing context. Rather, the General Assembly simply requires that the trial court consider enumerated factors when exercising its broad discretion to grant or deny a JUVRA motion for sentence reduction.” *Trimble*, 491 Md. at 408.

The Court then addressed the weight the various factors should be afforded:

“CP § 8-110(d) is silent regarding the weight that a court must give to any particular factor in its dangerousness and interests-of-justice analysis. That silence indicates that the factors listed in subsection (d) are intended to provide a circuit court maximum flexibility in considering each factor.

Under CP § 8-110(d), the General Assembly simply has required a circuit court to consider the enumerated factors—there is no requirement that the court *weigh* those factors in any particular manner, individually or against each other, nor has the General Assembly required the circuit court to indicate how the court views those factors in relation to the inquiry under subsection (c). The circuit court simply is required to *consider* the factors under subsection (d), and the circuit court’s written decision simply must reflect that consideration. The circuit court’s resolution of a JUVRA motion is the epitome of a case-specific decision. As such, no two circuit court judges are likely to view in exactly the same manner a particular constellation of the factors contained in CP § 8-110(d). Thus, we expect that different judges will use different terms to express their consideration, as required under CP § 8-110(d).”

Id. at 411-13. In *Trimble*, the petitioner argued that the court erred by not giving greater weight to the evidence relating to factor 5, “maturity, rehabilitation, and fitness to reenter society[,]” an argument analogous to appellant’s argument in the case *sub judice*. The Court addressed this argument in part as follows:

“As discussed above, the General Assembly established that under CP § 8-110(c), the criteria for a sentence reduction are public safety *and the interests of justice*, not merely rehabilitation. The enumerated factors in subsection (d) assist the court in making its ultimate determination under subsection (c) and must be considered by the court in its written decision. There is nothing in the text that reflects, however, that the General Assembly intended for a court to weigh the enumerated factors against one another or to give any special consideration to factor five or to *any factor*, or even instructs that a court must weigh the factors, for that matter.

Elevating one factor over the others is inconsistent not only with the plain language, but also with the structure of CP § 8-110—which places broad discretion in the court to undertake a dangerousness and interests-of-justice analysis of what is essentially a sentencing-related proceeding.” *Id.* at 416 (emphasis in original).”

The court summed up its relevant holding as follows:

“When undertaking its dangerousness and interests-of-justice analyses under CP § 8-110(c), although the court is required to consider the ten enumerated factors under CP § 8-110(d), as well as any other factor the court determines is relevant, the statute does not require that the court give special consideration to any particular factor, use any particular words in assessing the significance of the factors, or consider the factors in any particular order.”

Id. at 424.

We presume that judges know the law and apply it correctly. *State v. Chaney*, 375 Md. 168, 179 (2003). Regarding evidentiary hearings, we exercise deference to the court’s first-level findings, including the resolution of evidentiary conflicts, credibility determinations, and determinations about relative evidentiary weight. *Brown v. State*, 452 Md. 196, 208 (2017). An abuse of discretion occurs when “no reasonable person would take the view adopted by the circuit court.” *Montague v. State*, 471 Md. 657, 674 (2020), or when a ruling is “well removed from any center mark imagined by the reviewing court

and beyond the fringe of what that court deems minimally acceptable.” *Faulkner v. State*, 468 Md. 418, 460 (2020) (internal citation omitted).

Cognizant of our standard of review, we hold that the circuit court abused its discretion in concluding the interests of justice would not be served for the reasons the court stated. The court appears to have rested its decision on finding that it would not be in the interest of justice to upset the plea agreement or a sentence which at the time imposed was fair and reasonable. The court’s determination must further the purpose of the statute. The purpose of JUVRA is to afford juveniles *a meaningful opportunity for sentence reduction*. If sentences imposed upon juveniles pursuant to plea agreements or fair sentences at the time imposed were to be excluded from the application of JUVRA, those defendants would have no meaningful opportunity for sentence reduction under the Act. Moreover, the Act does not exclude defendants who entered guilty pleas. Appellant was denied a meaningful opportunity for release.

We remand this case for a new hearing before a different judge on appellant’s motion under JUVRA.

JUDGMENT IN THE CIRCUIT COURT FOR BALTIMORE CITY VACATED. CASE REMANDED TO THAT COURT FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY THE MAYOR AND CITY COUNCIL OF BALTIMORE.