

Circuit Court for Montgomery County
Case No. 138480C

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 406

September Term, 2025

RODJAUN ORLANDO NEAL-WILLIAMS

v.

STATE OF MARYLAND

Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 31, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Montgomery County, Rodjaun Orlando Neal-Williams, appellant, was convicted of voluntary manslaughter and use of a firearm in the commission of a crime of violence. The court imposed a sentence of 10 years' imprisonment on the manslaughter count and a consecutive sentence of 20 years' imprisonment on the firearm count. Appellant, through counsel, then filed an "Application for Review of Sentence" pursuant to Maryland Rule 4-344. The court appointed a sentence review panel on September 21, 2023, but it did not set a hearing date. Appellant then refiled his "Application for Review of Sentence" on July 4, 2024, and requested a hearing. On September 11, 2024, the court issued an order appointing an "en banc panel" and setting a hearing for November 22, 2024. The order further stated, mistakenly, that the hearing was to consider appellant's "Notice of En Banc Review" pursuant to Maryland Rule 2-551.

Appellant and the State subsequently filed a joint motion for a continuance, and the hearing was continued to February 7, 2025. Prior to the hearing, appellant filed a memorandum requesting the imposition of a seven-year sentence. The State filed an opposition. At the hearing, the only issue discussed was whether the panel should modify appellant's sentence pursuant to Rule 4-344. On March 21, 2025, the three-judge panel entered an order reaffirming appellant's original sentence. This appeal followed. On appeal, appellant raises seven issues, which reduce to three: (1) whether the court erred in having his sentence reviewed by an en banc panel instead of a sentence review panel; (2) whether the review panel erred by not issuing a decision within 30 days after he filed his application for review of sentence; and (3) whether the review panel erred in not stating the reasons for their decision, as required by Md. Rule 4-344(f). The State has filed a

motion to dismiss the appeal as not allowed by law. For the reasons that follow, we shall deny the motion to dismiss and affirm the judgment.

As an initial matter, the State has filed a motion to dismiss, noting that Section 12-302(f) of the Courts & Judicial Proceedings Article does “not permit an appeal from the order of a sentence review panel of a circuit court under Title 8 of the Criminal Procedure Article, unless the panel increases the sentence.” However, the Supreme Court of Maryland has held that, where a review panel refuses to review the sentence, the order foreclosing review is a final and appealable order pursuant to CJP § 12-301. *Collins v. State*, 326 Md. 423, 431-32 (1992). In *Collins*, the defendant received a split sentence, and when he violated his probation, the court revoked probation and re-imposed the part of the initial sentence that had been suspended. *Collins* filed an application for review of sentence, and the three-judge panel concluded that *Collins*’ original sentence should not be modified but limited its review to the “appropriateness of the original sentence imposed[,]” as opposed to the “reimposition of the previously suspended sentence[.]” *Id.* at 430-31. *Collins* appealed, arguing that the panel had erred in not considering the sentence imposed on him after he was found to have violated his probation. In denying the State’s motion to dismiss, the Court found that the panel’s order was appealable because appellant was not challenging the “panel’s decision that [the original sentencing judge had] properly sentenced him” but alleging that “he [had] been denied *any* review of the sentence imposed upon him” upon the revocation of his probation. *Id.* at 431-32.

In this case, appellant claims that the review panel violated Rule 4-344(f) by not issuing a decision within 30 days, and in not stating the reasons for its decision in its order.

But these are procedural issues which, even if true, do not demonstrate that the panel refused to fulfill its obligation to review the sentence imposed. As such, we agree with the State that these issues are not reviewable on appeal. However, appellant also contends that the court erred when it appointed “an en banc panel under MD Rule 2-551 instead of a sentence review panel under MD Rule 4-344.” And, similar to *Collins*, this is essentially a claim that the court effectively foreclosed his right to a review of his sentence by a three-judge panel. Thus, we shall consider this issue and deny the State’s motion to dismiss.

As to the merits, however, there is no support for appellant’s claim. To be sure, the court’s September 11, 2024, order stated that it was appointing an “en banc panel” to review appellant’s application for review of sentence. But despite this clerical error, it is clear the panel that was appointed conducted a full review of appellant’s sentence as required under Rule 4-344. Appellant presented a detailed memorandum in support of the “three judge panel review of sentence,” which cited the applicable rule and requested that his sentence be reduced to seven years’ imprisonment. And appellant also raised the same arguments during a lengthy hearing before the panel. Most importantly, the panel specifically indicated in its order that: (1) the matter had come “before the Court for a Sentence Review Panel,” (2) it was considering appellant’s “Application for Review of Sentence,” and (3) in reaffirming the court’s original sentence it had considered both his memoranda and arguments at the hearing. In short, there is nothing in the record indicating

that the review panel refused to review appellant's sentence. Consequently, we shall affirm the judgment.

**MOTION TO DISMISS DENIED.
JUDGMENT OF THE CIRCUIT
COURT FOR MONTGOMERY
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**