

Circuit Court for Charles County
Case No.: 08-K-09-000876

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 614

September Term, 2022

DANIEL DWIGHT MANOFF

v.

STATE OF MARYLAND

Nazarian,
Ripken,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 28, 2022

*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.

Daniel Dwight Manoff, appellant, appeals from an order by the Circuit Court for Charles County denying his motion for modification of sentence. In its response brief, the State moves to dismiss this appeal as not allowed by law.¹

Maryland Rule 4-345(e) permits a defendant to file a motion asking the circuit court to exercise its revisory power and modify their sentence. An order granting such a motion is appealable; an order denying one is not. *Brown v. State*, 470 Md. 503, 550 (2020). The only exception to this prohibition is when the circuit court erroneously concludes it lacks authority to consider the motion. *See State v. Schlick*, 465 Md. 566, 586–87 (2019). The record does not show that to be the case here. Therefore, the circuit court’s order denying Manoff’s motion for modification of sentence was not an appealable final judgment. Consequently, we must dismiss this appeal as not allowed by law under Rule 8-602(b)(1).

**APPELLEE’S MOTION TO DISMISS
GRANTED. COSTS TO BE PAID BY
APPELLANT.**

¹ The State alternatively argues for dismissal because Manoff failed to provide the necessary transcripts as required by Rule 8-411 and his brief was both untimely and noncompliant with the requirements of Rule 8-504. Because we agree the appeal is not allowed by law, we do not address the State’s alternative arguments.