

Circuit Court for Baltimore County
Case No. 03-K-96-004103

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 746

September Term, 2020

ANTHONY R. BELL

v.

STATE OF MARYLAND

Wells,
Gould,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 7, 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.

In 1997, Anthony R. Bell, appellant, was convicted of first-degree murder following a jury trial in the Circuit Court for Baltimore County. The court sentenced him to a term of life imprisonment without the possibility of parole.

In August 2020, Mr. Bell filed a “Motion for Modification of Sentence Due to Pandemic” (motion to modify sentence), wherein he requested the court to reduce his sentence and release him from custody based on Chief Judge Barbera’s April 14, 2020 “Administrative Order Guiding the Response of the Trial Courts of Maryland to the Covid-19 Emergency as it Relates to Those Persons Who Are Incarcerated or Imprisoned.” Specifically, he alleged that he was at high risk for contracting COVID-19 due to his age and underlying medical conditions and that the Department of Public Safety and Correctional Services was not able to adequately protect him from this risk. The court denied the motion to modify sentence without a hearing. This appeal followed.

The denial of a motion for modification of sentence pursuant to Maryland Rule 4-345 is not an appealable order unless the court concludes that it lacks jurisdiction to consider the motion, which it did not in this case. *See Hoile v. State*, 404 Md. 591, 615 (2008) (“[T]he denial of a motion to modify a sentence, unless tainted by illegality, fraud, or duress is not appealable.” (citations omitted)). Consequently, the appeal must be dismissed.

**APPEAL DISMISSED. COSTS TO
BE PAID BY APPELLANT.**