

Circuit Court for Prince George's County
Case No. C-16-CR-24-000133

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 768

September Term, 2024

GREGORY DAVID CUTLER

v.

STATE OF MARYLAND

Graeff,
Tang,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Tang, J.

Filed: July 9, 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).

On December 19, 2023, officers with the Prince George’s County Police Department conducted a traffic stop on a vehicle driven by the appellant, Gregory Cutler, who was 19 years old. Officers observed a handgun inside the vehicle. The State charged the appellant with various gun offenses, including unlawful possession of a regulated firearm under the age of 21 in violation of § 5-133(d) of the Public Safety Article (“PS”) of the Maryland Code. The appellant entered a conditional guilty plea on that count in the Circuit Court for Prince George’s County, reserving the right to appeal the constitutionality of PS § 5-133(d). As a result of his conditional guilty plea, the court sentenced the appellant to five years, suspending all but time served, and imposed one year of supervised probation followed by two years of unsupervised probation.

In this appeal, the appellant argues that PS § 5-133(d) is facially unconstitutional and unconstitutional as applied to him. Our recent reported decision in *State v. Fields*, No. 784, Sept. Term 2022 (Md. App. Ct. filed July 2, 2026), is dispositive. There, we held “that the restriction on gun possession set forth in PS § 5-133(d), prohibiting gun possession by individuals under 21 years of age,” is not unconstitutional as applied to Fields, who was 20 years old at the time of the offense. *Id.*, slip op. at 32. Because we concluded that PS § 5-133(d) is constitutional as applied to 18-to-20-year-olds, we need not consider the appellant’s broader facial challenge. This is because when a statute is constitutional as applied to the circumstances of the case under scrutiny, a facial challenge cannot prevail. *See United States v. Rahimi*, 602 U.S. 680, 693 (2024) (recognizing that a facial challenge is the “‘most difficult challenge to mount successfully,’ because it requires a defendant to

‘establish that no set of circumstances exists under which the [law] would be valid,’” and, thus, “to prevail, the [State] need only demonstrate that [the statute] is constitutional in some of its applications” (quoting *United States v. Salerno*, 481 U.S. 739, 745 (1987))). We therefore affirm the appellant’s conviction.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY THE
APPELLANT.**