

Circuit Court for Baltimore County
Case No. 03-K-18-000760

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 865

September Term, 2020

JOHN GORDON CANDOW

v.

STATE OF MARYLAND

Reed,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 22, 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 2019, John Gordon Candow, appellant, was convicted of two counts of first-degree assault and one count of possession of a firearm during a crime of violence following a guilty plea in the Circuit Court for Baltimore County. The court imposed a total sentence of 25 years' imprisonment, with all but 10 years suspended, followed by five years of probation. In 2020, appellant filed an "Emergency Motion for Modification and/or Reduction of Sentence Due to Exposure Risk to Coronavirus," wherein he requested the court to modify his sentence and release him from custody because, he claimed, the prison had "failed to ensure that [he] was reasonably protected from the COVID-19 virus." The court denied the motion to modify sentence without a hearing on May 22, 2020. This appeal followed.

As an initial matter, appellant's brief does not address the denial of his motion for modification of sentence. Rather, he claims that the prosecutor engaged in misconduct and that his guilty plea was involuntary. Moreover, he states that he is appealing from an unspecified judgment entered on June 21, 2021. However, no such judgment appears on the docket. And, in any event, such a judgment would not properly be before this Court in this appeal as it would have been entered well after appellant filed his notice of appeal in this case.

The only judgment that was timely appealed is the court's order denying appellant's motion for modification of sentence. However, 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, we shall dismiss the appeal.

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