

Circuit Court for Anne Arundel County  
Case No. C-02-CR-17-002591

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 949

September Term, 2020

---

CARL HARRISON

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 2018, Carl Harrison, appellant, pleaded guilty, in the Circuit Court for Anne Arundel County, to possession of CDS with intent to distribute and conspiracy to engage in contraband delivery in a correctional facility. The court imposed concurrent 5 years sentences of imprisonment on each count, to run consecutive to any other sentence that Mr. Harrison was then serving. Mr. Harrison filed a timely motion for modification of sentence on October 24, 2018, and the court agreed to hold the motion *sub curia*. In September 2020, Mr. Harrison filed a supplement to that motion, requesting the court to modify his sentence based on his having “led a positive life as a prisoner” and going infraction free since his last court appearance. The court denied the motion without a hearing. This appeal followed.

The denial of a motion for modification of sentence pursuant to Maryland Rule 4-345 (e), 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.**