

Circuit Court for Anne Arundel County
Case No.: 02-K-94-001134

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1234

September Term, 2025

MARK ANTHONY WHEELTON

v.

STATE OF MARYLAND

Arthur,
Shaw,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 23, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In 1994, a jury in the Circuit Court for Anne Arundel County found Mark Anthony Wheelton guilty of first-degree murder and use of a handgun in the commission of a crime of violence. The court sentenced him to a total term of life imprisonment. Wheelton was 17 years old when he committed the crime.

In 2025, through counsel, Wheelton filed a motion for reduction of sentence pursuant to § 8-110 of the Criminal Procedure Article of the Maryland Code, which authorizes, in certain instances, a court to reduce the duration of a sentence for an individual convicted of an offense committed when the individual was a minor. The State opposed the motion and following a hearing the circuit court denied relief. The transcript of the hearing is not in the record before us, but the court filed a 10-page memorandum opinion addressing the statutory factors a court must consider when ruling on a Crim. Proc. § 8-110 motion. The court denied relief after concluding that Wheelton “presents a substantial risk to the public and reducing his sentence would not serve the interests of justice.” Wheelton, representing himself, appeals that decision. We shall affirm the judgment.

DISCUSSION

Whether to grant a motion to for reduction of sentence pursuant to Crim. Proc. § 8-110 “generally rests in the discretion of the circuit court upon consideration of the enumerated [statutory] factors.” *Trimble v. State*, 491 Md. 378, 405 (2025).

Here, in its memorandum opinion the court summarized the evidence before it and addressed each of the statutory factors it must consider when presented with a request for reduction of sentence pursuant to Crim. Proc. § 8-110. Despite the opinion of Dr. Michael Guilbault that his examination determined that Wheelton is a low risk for future

interpersonal violence, the court took note of evidence that Wheelton “had several infractions over the last thirty year, including an assault on an inmate in 2010 due to his membership in a gang.” (The court described the assault as “part of gang activities” where “Mr. Wheelton cut the throat of a another inmate with a razor.”)¹ The court also had evidence that, since his 2017 parole hearing, Wheelton had incurred “three new infractions,” the most recent in 2021, two of which included “suboxone use[.]” The court observed that Dr. Guilbault had explained that “drug misuse can raise an individual’s risk of reoffending and make it more challenging for them to succeed without intervention or treatment.” The court was troubled by the infractions Wheelton had incurred since his 2017 parole hearing given that the Parole Commission had “explicitly told [him] not to incur infractions before his next opportunity for parole in 2027.” The court found that Wheelton’s “actions demonstrate that he is not compliant with the rules, even when provided an incentive to be released.” The court also considered the nature of Wheelton’s crimes, noting that “it was clear that [he] was the architect of the murder” and had “admitted that it was his carefully executed plan [undertaken] without the assistance of anyone else.”²

¹ The court did acknowledge that Dr. Guilbault’s report indicated that Wheelton “shared that he [had] left gang membership and his leadership position.”

² Wheelton approached the victim, who was in his car at an intersection, and after a short verbal altercation, shot him. The victim, who at the time was dating Wheelton’s former girlfriend, died from the gunshot wound.

In considering the petitioner’s age at the time of the offense—one of the enumerated factors the court must consider—the court noted that Wheelton was 17 years old at the time. Although acknowledging that the U.S. Supreme Court in *Miller v. Alabama*, 567 U.S. 460, 471 (2012) stated that “‘youth matters’ when determining the appropriateness of a particular punishment,” the court found that Wheelton was “only months from adulthood” when he committed the crimes. The court did not find his age at the time weighed favorably in its analysis.³

After addressing all the statutory factors, the court concluded that Wheelton “presents a substantial risk to the public and reducing his sentence would not serve the interests of justice.”

In this appeal, Wheelton emphasizes that he “was only 17 years old at the time of the offense[.]” and—contrary to the court’s finding—maintains this factor “weighs very heavily in his favor.” He also claims, in essence, that his prison infractions should not be weighed against him because some were based on actions he undertook “to protect himself.” He “also states that he became dependent on suboxone[.]” And he maintains that “some of his actions” while incarcerated “have reflected maturity towards rehabilitation,” claiming he “has made great strides in trying to better prepare himself to re-enter society.”

³ In the court’s words, Wheelton’s age at the time of the offense was a “factor that weighs against” him. In context, we are persuaded, as the Supreme Court was in *Trimble*, that the court’s language was “functionally equivalent to saying that, in the court’s estimation, the age factor did not weigh in favor of supporting the ultimate conclusion” that Wheelton did not pose a danger to society and that the interests of just would be served by reducing his sentence. 491 Md. at 414. The circuit court’s memorandum opinion in this case was filed about a week before the *Trimble* opinion was published.

Finally, he states that, although his childhood was not marked by any abuse or trauma, before committing the crimes he had begun using alcohol and drugs, hung “around the wrong type of people,” and “was extremely crushed when his ex-girlfriend broke up with him and was seeing someone [the homicide victim] else[.]” He asserts that he is “very remorseful” for the crime committed and requests that this Court “reverse and remand” the circuit court’s decision denying his request for a reduction in sentence. In the alternative, he requests that this Court order his participation in a Health-General § 8-505 & 8-507 evaluation and treatment program.

We are not persuaded that the court abused its discretion in denying Wheelton’s request for a reduction in sentence. The court addressed all the statutory factors and the evidence before it and its conclusion that the Wheelton “presents a substantial risk to the public and reducing his sentence would not serve the interests of justice” is supported by its findings. As for Wheelton’s request that this Court order substance abuse evaluation and treatment, that is something he must present to the circuit court.

**JUDGMENT OF THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**