

Circuit Court for Montgomery County
Case No. 78771C

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1287

September Term, 2024

WILLIAM WHITE

v.

STATE OF MARYLAND

Leahy,
Zic,
Eyler, Deborah S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Leahy, J.

Filed: November 14, 2025

* 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 Maryland Rule 1-104(a)(2)(B).

William White, appellant, appeals from the denial of his pro se petition for writ of error *coram nobis* in the Circuit Court for Montgomery County. A jury convicted Mr. White in 1997 of battery, resisting arrest, and carrying a concealed dangerous weapon. Twenty-seven years later, he filed the underlying petition seeking vacatur of his conviction for carrying a concealed dangerous weapon. For the reasons stated below, we affirm the judgment of the circuit court.

BACKGROUND

We quote the *coram nobis* court’s memorandum opinion to set out factual background:

In July of 1996, Mr. White was stopped for a traffic infraction, and the result of the stop was an altercation between Mr. White and the officers involved in the stop. A knife was found in Mr. White’s car and he was charged with [carrying] a concealed deadly weapon, [multiple counts of battery], resisting arrest, malicious destruction of property counts, and speeding. The Defendant had a jury trial and was convicted of all counts except the malicious destruction of property counts, and one of the battery counts. He was sentenced to 18 months suspend all but 7 months for the weapon count, and he received 6 months concurrent on the battery and resisting arrest counts. He was placed on 2 years of supervised probation upon his release. He was found in violation of his probation in February of 1999, given additional time^[1] and placed back on probation.

In January 2024, Mr. White filed a postconviction petition, contending that the decision by the Supreme Court of the United States in *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), rendered “the entirety of Maryland’s concealed carry legal framework” in violation of the Second Amendment to the United States

¹ As the State pointed out in its Supplemental Answer, whatever backup time was imposed is not in the record but could not have exceeded eleven months of incarceration.

Constitution. Mr. White further contended that *Bruen* applied retroactively to his case under Maryland Code (2001, 2025 Repl. Vol.), Criminal Procedure Article (“CP”), § 7-106(c)(2).² Mr. White concluded that his 1997 conviction for carrying a concealed weapon “must be vacated.”

The State initially filed an answer stating generally that there were no grounds for granting postconviction relief, that it anticipated that counsel henceforth would enter their appearance on behalf of Mr. White, and that thereafter, it would file an amended answer. At that time, the State apparently had not yet recognized that Mr. White no longer was either “confined under sentence of imprisonment” or “on parole or probation” for the 1997 Maryland convictions, CP § 7-101(1), (2), and therefore was ineligible to seek postconviction relief. *Kranz v. State*, 459 Md. 456, 479 (2018).

One month later, the circuit court convened a status hearing. Although the record before us does not include a transcript of the hearing or a court order, the hearing sheet reflects that the court directed the State to file a “Motion to Dismiss Post-Conviction

² Section 7-106(c)(2), part of the Postconviction Procedure Act, provides:

Notwithstanding any other provision of this title, an allegation of error may not be considered to have been finally litigated or waived under this title if a court whose decisions are binding on the lower courts of the State holds that:

(i) the Constitution of the United States or the Maryland Constitution imposes on State criminal proceedings a procedural or substantive standard not previously recognized; and

(ii) the standard is intended to be applied retrospectively and would thereby affect the validity of the petitioner’s conviction or sentence.

CP § 7-106(c)(2).

Relief” by March 29, 2024; directed Mr. White “to respond” by April 19, 2024; and directed him to file a *coram nobis* petition by that same date, “if applicable.” The court also scheduled a motions hearing on May 3, 2024, which ultimately was rescheduled to June 4, 2024.

The State filed a supplemental answer to the postconviction petition, contending that because Mr. White had completed serving his sentences in the Maryland case, he was ineligible to seek postconviction relief. The State further averred that Mr. White lacked standing to challenge Maryland’s concealed carry permit scheme because he “fail[ed] to show he applied for a concealed carry license for his hunting knife[.]”³ In addition, the State asserted that *Bruen* “deals with concealed carry permits for firearms, not hunting knives,” and therefore “doesn’t even apply” in this case.

Mr. White then filed a *coram nobis* petition, asserting that *Bruen* rendered “Maryland’s concealed carry laws, including the one under which [he] was convicted,” unconstitutional under the Second Amendment to the Constitution of the United States.⁴

³ Quoting this Court’s unreported opinion in *Bourdeau v. State*, No. 1196, Sept. Term, 2022 (Md. App. Ct. filed Oct. 10, 2023), at *4, the State emphasized that “a person who has not applied for a handgun carry permit does not have standing to challenge the constitutionality of the permitting scheme itself.” However, at paragraph 17 of the same Supplemental Answer, the State concedes that there is no licensing scheme for knives (or other dangerous weapons except firearms).

⁴ In the “Argument” section of his petition, Mr. White engages in a historical analysis of Maryland concealed carry laws and concludes that the statute prohibiting the concealed carrying of dangerous weapons (now codified at Maryland Code (2002, 2021 Repl. Vol.), Criminal Law Article, § 4-101) is both facially unconstitutional under *Bruen* and unconstitutional as applied to him. Although we very much doubt that Mr. White’s expansive reading of *Bruen* is correct (*Bruen* was concerned with handgun licensing
(continued))

He claimed that he was suffering significant collateral consequences from the Maryland conviction for carrying a concealed deadly weapon: that his sentences in four federal criminal cases, totaling 389 months,⁵ had been enhanced in part because of his prior, purportedly unconstitutional Maryland conviction. Attached to Mr. White’s petition was “a portion of” the pre-sentencing investigation report in one of those federal cases, *United States v. White*, No. 7:08-cr-54 (W.D. Va.), purporting to “show[] that [the Maryland conviction] was used to enhance” his criminal history category, resulting in an enhanced sentence. He also attached “a portion of the sentencing transcript” in another of the federal cases, *United States v. White*, No. 6:13-cr-304 (M.D. Fl.), “showing,” he claimed, “that [the Maryland conviction] was used to justify an upward variance at sentencing.”

The circuit court held a hearing on Mr. White’s *coram nobis* petition.⁶ During that hearing, the court requested that Mr. White provide entire copies of the pre-sentencing investigation report and the sentencing transcript, excerpts of which he had attached to his *coram nobis* petition. Mr. White promptly did so, and those documents are included in the record that was before the circuit court.

schemes, not laws banning the concealed carrying of weapons), we shall confine our discussion to the ground relied upon by the *coram nobis* court in denying Mr. White’s petition (and the sole ground argued by both Mr. White and the State in their respective briefs)—whether Mr. White has shown that he is suffering a significant collateral consequence as the result of his Maryland conviction.

⁵ In his appellate brief, Mr. White contends that his federal sentences totaled 387 months, but that difference is immaterial to the issue in this appeal.

⁶ Mr. White did not obtain a transcript of that hearing, and it is not in the record before us. Because the circuit court issued a written opinion and order, in compliance with Maryland Rule 15-1207, the appellate record is sufficient to resolve this appeal.

Two months later, the circuit court issued a memorandum opinion and order, denying Mr. White's *coram nobis* petition. In so doing, the court correctly avoided addressing the constitutionality of the statute under which Mr. White was convicted by applying the threshold considerations for *coram nobis* relief as set out in *Skok v. State*, 361 Md. 52, 78 (2000), and determining that he had failed to demonstrate that he was suffering from a significant collateral consequence. The circuit court explained:

The second prong is that there needs to be a significant collateral consequence due to this conviction. In reviewing *Parker v. State*[,] Mr. White certainly has stated a cause of action for the *coram nobis*. He has stated that his federal guidelines were enhanced because of this conviction in Maryland, and that gives him a cause of action but doesn't prove the prong. In the *Parker* case however, once a cause of action was stated, the case was sent back to the Circuit Court for a determination of whether or not there was a significant collateral consequence in that case. 160 Md. App. 672, 688-689 (2005). This Court is in the same position having to decide if there was a significant collateral consequence in light of this conviction. The sentencing transcript and PSI that Mr. White provided are key in addressing this issue. On page 15 of the presentence investigation report, this conviction added 2 points to make Mr. [White's] criminal history a category II. He was further determined to be an offense level of 16 (page 19 of the presentence investigation report), which was not related to this conviction. On the same page it says that Mr. White's guidelines based on his criminal history category and his offense level made his guidelines 24-30 months. This is further shown on page one of the sentencing table. The sentencing table also shows that if he were a criminal history category I (without this conviction and its 2 points) his guidelines would have been 21-27 months.

Knowing the guidelines which are advisory, the Court turned to the sentencing transcript. The Judge does on page 69 of 77 mention this conviction together with all of his state and [D.C.] convictions and says "his criminal background includes convictions for possession of concealed deadly weapons, assault and battery, in state court and the District of Columbia." He does not mention anything further about this specific conviction. However, the court on the same page goes on to say "**But what makes Mr. White's background extraordinary are the number and nature of his prior federal felonies.**" The Court then goes on to detail those other prior federal felonies and to highlight what the Court clearly considered to be

important, including the sentences he received in those cases, in deciding how to sentence Mr. White in the case before him. The court further on page 71 of 77 says “the defendant’s conduct leading to the charges in this case when considered in light of his prior convictions and sentences make it plain to this Court that a harsh sentence is required to meet the statutorily mandated purposes of sentencing.”

The Judge said that although he rarely departs from the guidelines upward “this case requires an upward variance.” (page 72 of 77). The Judge then states the sentence of 210 months for each of the five counts to run concurrently to each other, but consecutively to any federal sentence he was serving at the time of this sentencing. So the Judge went well beyond the advisory guidelines even with the points for this Maryland conviction. **Mr. White therefore cannot bear his burden to show that this Maryland conviction created a significant collateral consequence in that case. In fact in finishing the transcript of the sentencing, the Judge is very clear that this conviction did not impact his decision about the case in that on page 75 of 77, he says “The sentence imposed would be the same regardless of the guideline computation and the factors contested under the guideline computation proposed by the probation office”.**

As Mr. White has not met his burden in showing a significant collateral consequence specifically due to this Maryland conviction, the court does not have to address the constitutionality of the statute at hand, and the relief sought must be **DENIED**.

(Emphasis added).

Mr. White then noted a timely appeal. Additional facts are included where pertinent to the discussion of the issues.

DISCUSSION

Standard of Review

On appeal, we review the circuit court’s decision to grant or deny a *coram nobis* petition for abuse of discretion. *State v. Rich*, 454 Md. 448, 470-71 (2017). “An abuse of discretion ‘occurs where no reasonable person would take the view adopted by the circuit court.’” *Smith v. State*, 480 Md. 534, 546 (2022) (quoting *Mainor v. State*, 475 Md. 487,

499 (2021)). “However, in determining whether the ultimate disposition of the *coram nobis* court constitutes an abuse of discretion, appellate courts should not disturb the *coram nobis* court’s factual findings unless they are clearly erroneous, while legal determinations shall be reviewed *de novo*.” *Rich*, 454 Md. at 471.

Relevant Law

“A writ of error *coram nobis* is an extraordinary remedy, rooted in English common law, which is available to correct errors of fact that affect the validity or regularity of a judgment and to correct constitutional or fundamental legal errors.” *Smith*, 480 Md. at 546 (citing *United States v. Morgan*, 346 U.S. 502, 507-12 (1954)). There are several substantive and procedural requirements that must be satisfied before a convicted person may be eligible for the writ. The “grounds for challenging the criminal conviction must be of a constitutional, jurisdictional, or fundamental character.” *Skok v. State*, 361 Md. 52, 78 (2000) (citing *Morgan*, 346 U.S. at 512). The convicted person must not be either incarcerated or on parole or probation, and there must be no other statutory or common law remedy available to raise a challenge to the conviction. *Id.* at 78, 80. The convicted person “must be suffering or facing significant collateral consequences from the conviction.” *Id.* at 79. “In addition, a presumption of regularity attaches to the criminal case, and the burden of proof is on the *coram nobis* petitioner.” *Id.* at 78.

Analysis

The principal issue raised in this appeal is whether Mr. White has established that he is suffering a significant collateral consequence from his 1997 conviction for carrying a

concealed dangerous weapon.⁷ Initially, we note that he has failed to present any evidence, beyond broad allegations, that his 1997 Maryland conviction influenced his sentences in two of the four federal cases he cites: *United States v. White*, No. 08-cr-851 (N.D. Ill.), and *United States v. White*, No. 13-cr-013 (W.D. Va.). Because the burden of proof in a *coram nobis* proceeding is on the petitioner, *Skok*, 361 Md. at 78, we shall not consider Mr. White’s claims regarding those two federal cases.

With regard to the remaining two federal cases, Mr. White correctly points out that the *coram nobis* court mistakenly conflated the exhibits he introduced below as being from the same federal case rather than from two distinct cases. We agree with the State, however, that this error does not require a remand, and the record is adequate to conclude that the *coram nobis* court did not abuse its discretion in denying the writ. *See, e.g., Guardado v. State*, 218 Md. App. 640, 641 (2014) (affirming the denial of a *coram nobis* petition on a different ground than that relied upon by the circuit court).

As to whether Mr. White’s 1997 Maryland conviction had any effect on the sentence imposed in the Florida case, we look to the sentencing transcript in that case, which show that the federal court began with the following observation:

The nature of the charge and the defendant’s history required me to select an anonymous jury. I’ve been a judge for 30 years soon, and it’s the first time I have ever selected an anonymous jury.

⁷ Although Mr. White insists that his conviction for carrying a concealed dangerous weapon has been rendered unconstitutional by *Bruen*, neither the State in its brief nor the circuit court in its opinion has addressed this issue. Because we can dispose of this appeal on other grounds, we, too, shall not consider the underlying constitutional issue.

Both the defendant and his Email communications, his Internet communications, and at least one of the victims here today described the defendant's conduct as terrorism, which prompted me to get a definition of terrorism, and I got that from the Merriam-Webster collegiate dictionary.

And it means, **terrorism** means the use of violence and threats to intimidate or coerce, especially for political purposes.

So that is an accurate means of describing the Defendant's conduct in this case, and it's **reflected throughout his criminal history.**

(Emphasis added.)

The judge continued:

The description of the offenses and the fact that the brutal threats were to do violence not just to public officials but to their children, and in one case, grandchildren, young children, ages six and nine, some extent been accounted for in the calculation of the guidelines.

The conduct, in the view and experience of this Court, is extraordinary. . . .

* * *

His criminal past is singular in my experience.

His criminal background includes convictions for possession of concealed deadly weapons, assault and battery, in state court and the District of Columbia.

But what makes Mr. White's background extraordinary are the number and nature of his prior federal felonies. [The judge then enumerates those convictions.]

(Emphasis added.)

The judge explained why he was imposing a sentence above the Guidelines:

I have never imposed an upward variance in a case. However, this case requires an upward variance. It's the only way I can meet the mandatory requirements of 3553.

This defendant is not subject to rehabilitation. This defendant has made it clear that he’s not going to change his course of conduct. The best hope of slowing him down is to make sure that he’s confined, and hopefully the Bureau of Prisons will limit his access to communicate threats while confined.

The Court has asked the defendant why judgment should not now be pronounced, and after hearing his response, I find no cause to the contrary.

(Emphasis added.)

Finally, the judge expressly stated:

The sentence imposed would be the same regardless of the guideline computation and factors contested under the guideline computation proposed by the probation office.

(Emphasis added.)

Plainly, Mr. White’s 1997 Maryland conviction for carrying a concealed dangerous weapon had no influence upon the sentence imposed in the Florida case, as the sentencing judge expressly declared when imposing the federal sentence. Mr. White is suffering no collateral consequence as a result of the 1997 conviction, insofar as his sentence in *United States v. White*, No. 6:13-cr-304 (M.D. Fl.), is concerned.

Because Mr. White failed to provide the sentencing transcript in the Virginia case, *United States v. White*, No. 7:08-cr-54 (W.D. Va.), and it is his burden to prove a significant collateral consequence, *Skok*, 361 Md. at 78, we could conclude our analysis here. However, looking at the pre-sentencing investigation report submitted in that case, we note, as the *coram nobis* court observed, that the 1997 Maryland conviction increased his Guideline range from 21-27 months (total offense level of 16 and criminal history category I) to 24-30 months (same offense level with criminal history category II). The sentencing

court in that case imposed a sentence above *both* Guideline ranges, 33 months' incarceration. On this record, we hold that Mr. White has failed to carry his burden to show that he is suffering a significant collateral consequence as a result of the 1997 conviction for carrying a concealed dangerous weapon. We certainly cannot say that the *coram nobis* court abused its discretion in denying the writ. *Rich*, 454 Md. at 471.

**JUDGMENT OF THE CIRCUIT COURT
FOR MONTGOMERY COUNTY
AFFIRMED. COSTS ASSESSED TO
APPELLANT.**