

Circuit Court for Washington County
Case No. C-21-CV-20-000160

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1332

September Term, 2020

JEFFREY EUGENE RITTER

v.

STATE OF MARYLAND, et al.

Graeff,
Zic,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 29, 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.

Jeffrey Eugene Ritter, appellant, contends that the Circuit Court for Washington County erred in denying his petition for writ of habeas corpus. For the reasons that follow, we shall affirm the judgment of the circuit court.

On July 5, 1990, the Circuit Court for Baltimore County sentenced Mr. Ritter to a term of imprisonment of fifty years for first degree rape. The court also sentenced Mr. Ritter to concurrent terms of fifty years for first degree sexual offense and thirty years for kidnapping, and ordered that the total fifty-year term commence on December 30, 1989. On July 19, 1990, the Circuit Court for Baltimore City sentenced Mr. Ritter to a term of imprisonment of five years for violation of probation, to be served “consecutive to all outstanding sentences.” In May 2014, the Circuit Court for Baltimore County issued an amended commitment record in which it clarified that Mr. Ritter was to serve the first twenty-five years of the sentence for first degree rape without the possibility of parole.

In March 2020, Mr. Ritter, who is incarcerated in the Maryland Correctional Training Center in Washington County, filed in the circuit court for that county the petition for writ of habeas corpus, in which he contended that “Special Projects ‘double celling’ diminution credits against [his] aggregate term of imprisonment . . . are arbitrarily and unlawfully being denied to him,” and “if properly credited and accorded him nunc pro tunc and to date, would effect [his] forthwith and unconditional release.” Mr. Ritter contended that he “is entitled to” the credits “as a matter of law,” because “the latter 25 years of [his] 50 year sentence” and the Baltimore City sentence do not disqualify him from earning the credits, and retroactive application of the 1992 and 2002 amendments to “the regulation

regarding double celling credits” constitutes a “violation of . . . the . . . prohibit[ion] against ex post facto application of law.” The court denied the petition.

Mr. Ritter now contends that the court erred in denying the petition because, for numerous reasons, he “should be awarded diminution credits for double celling as to his sole qualifying . . . sentence,” specifically the sentence for kidnapping, “commencing [on] approximately[] July 1, 2007, when [the] non-parolable non-eligib[le] term expired.” But, Mr. Ritter did not raise this issue in the circuit court, and “[o]rdinarily, [an] appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court.” Rule 8-131(a). Also, from the time that Mr. Ritter’s sentence commenced to the present day, inmates who are serving a sentence for rape or first degree sexual offense have been prohibited from earning special project credit for double celling. *See* COMAR 12.02.06.05.N(1) (1990), *recodified as* COMAR 12.02.06.04(F)(3). Finally, even if Mr. Ritter had been entitled to such credit toward his thirty-year sentence for kidnapping, the sentence expired no later than December 30, 2019. Hence, the court did not err in denying the petition for writ of habeas corpus.

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