

Circuit Court for Queen Anne's County
Case No.: C-17-CR-17-000459

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1450

September Term, 2021

ALVIN FAULKNER

v.

STATE OF MARYLAND

Arthur,
Shaw,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 28, 2022

*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, Alvin Faulkner, appellant, appeared with counsel in the Circuit Court for Queen Anne’s County and pleaded guilty to escape. In its examination of Mr. Faulkner prior to accepting the plea, the court elicited that he understood the charge, the penalty he was facing, and the rights he was waiving by pleading guilty. The unobjected to proffer of facts in support of the plea indicated that, in February 2017 while he was housed at the Eastern Pre-Release Unit, a Division of Correction minimum-security facility in Queen Anne’s County for prisoners who are nearing their release date, Mr. Faulkner left the facility without permission, traveled on foot about two miles, and ignored uniformed correctional officers’ orders to stop. He was charged in the Circuit Court for Queen Anne’s County with first-degree escape, a violation of § 9-404(a) of the Criminal Law Article of the Maryland Code, which provides that “[a] person may not knowingly escape from a place of confinement.” The offense carries a maximum penalty of 10 years’ imprisonment. Crim. Law § 9-404(c). The court sentenced Mr. Faulkner to time served pre-trial and released him from its custody.

It appears that, as a result of the escape conviction, Mr. Faulkner lost his pre-release status and was returned to prison to serve the balance of the sentences he was serving when he escaped—sentences that had been imposed by the Circuit Court for Montgomery County. Mr. Faulkner, as a self-represented litigant, then began filing various motions and petitions in the Queen Anne’s County escape case—none of which have been successful.

In September 2021, Mr. Faulkner filed a pleading he captioned “Writ of Replevin and/or Writ of Detinue” in which he requested that the court order the State “to return custody of property own [sic] to” him. He did not indicate any personal property he alleged the State was improperly holding. Moreover, he asked the court to “replevy” him “out of prison,” stating that the 2018 guilty plea to escape “was pursuant to an ABA binding agreement contracted by State Attorney for Queen Anne County and [himself] certifying [his] release, as well as no detainer or warrant State or Federal that was lodge against [him].” The circuit court summarily denied relief. We shall affirm the judgment.

First, assuming Mr. Faulkner is attacking the validity of his guilty plea to escape, that issue is not properly before us. But in any event, our review of the plea hearing transcript reflects that the only thing the court bound itself to do was impose a sentence of time-served for the escape. Second, because Mr. Faulkner is not serving any sentence imposed by the Circuit Court for Queen Anne’s County, but rather is serving time imposed by the Circuit Court for Montgomery County for convictions incurred in that jurisdiction, the Queen Anne’s County Circuit Court appropriately declined to release him or modify his sentence.

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