

Circuit Court for Baltimore City
Case No. 510196010

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1638

September Term, 2024

GUY THOMAS

v.

STATE OF MARYLAND

Nazarian,
Arthur,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 10, 2025

*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.

Guy Thomas, appellant, appeals from the granting, by the Circuit Court for Baltimore City, of a “Motion to Correct Commitment Record, or in the Alternative, Motion to Correct Illegal Sentence” (hereinafter “motion to correct commitment record”). For the reasons that follow, we shall dismiss the appeal.

In November 2020, Mr. Thomas, with the assistance of counsel, filed a petition for post-conviction relief, in which he presented some of the history of his case:

1. **Guilty Plea.** [Mr. Thomas] pled guilty in the Circuit Court for Baltimore City before the Honorable Lynn Mays on August 10, 2010. Under the terms of the agreement [Mr. Thomas] was found guilty of Count One – Carjacking, and was then sentenced to a term of 15 years, all but time served suspended, and a four-year term of probation with special conditions including restitution in the amount of \$1,000.

2. **Violation of Probation.** On June 18, 2014, following his conviction in an unrelated matter of a narcotics offense, [Mr. Thomas] appeared before Judge Mays and admitted to violating Rule 4 of his conditions [of] probation. Following the presentation of mitigation and . . . the recommendations of both parties, the [c]ourt imposed the balance of the time remaining – 14 years, 9 months, and 21 days.

(Footnote omitted.)

Mr. Thomas continued the history of the case in his motion to correct commitment record, which he also filed with the assistance of counsel:

In exchange for [Mr.] Thomas’[s] willingness to withdraw his petition [for post-conviction relief] without prejudice, the State agreed to, and the [c]ourt did, modify his then-existing sentence.

- a. Judge Jackson modified the sentence to 14 years, 9 months, 21 days, with **all but 12 years suspended**, and 3 years of probation with the condition that [Mr. Thomas] receive residential treatment at Mount[ain] Manor in Frederick, Maryland.
- b. The start date articulated on the record was April 29, 2014. At the time of the hearing, [Mr.] Thomas contested the start date, but the

parties were unable to confirm his assertions at the time. The [c]ourt invited the parties to address the start date later should there be evidence it was incorrect.

[Mr.] Thomas, proceeding pro se, wrote the [c]ourt pro se, alleging that the start date of April 29, 2014, was incorrect. Judge [Cucuzzella] later signed an order in response to the *pro se* motion. The order dated February 27, 2024,

- a. **Correctly** modified the start date to April 17, 2012, but the Order *also*
- b. **Incorrectly**, and unlawfully, increased Mr. Thomas’[s] sentence, listing it as 14 years, 9 months, 21 days, with **all but 13 years suspended**.

(Footnote and paragraph numbering omitted.)

In August 2024, Mr. Thomas filed the motion to correct commitment record, in which he asked the court to “[c]orrect his sentence to reflect a term of 14 years, 9 months, 21 days, with all but 12 years suspended, with a start date of April 17, 2012,” and “grant such other and further relief as his cause may require.” The court granted the motion and ordered “that the Commitment Record entered on June 22, 2023, . . . be corrected by the Clerk of Court to reflect that the sentence imposed that day by the [c]ourt for a violation of probation was 14 years, 9 months, 21 days, suspend 2 year, 9 months, 21 days, with a ‘begin’ date of April 17, 2012, with 3 years of supervised probation.”

Mr. Thomas now appeals from the court’s order. Mr. Thomas’s brief is confusing, but he appears to contend that “due to the negligence of the clerk[’s] office,” the court was required to “[t]erminate [the] probation term” and “conditions,” and “reverse [the] conviction into” an order of probation before judgment. The State moves to dismiss the

appeal on the grounds that “it is not allowed by law” and Mr. Thomas’s “claim is moot.” Alternatively, the State requests that we affirm the judgment of the circuit court.

We agree with the State that dismissal is appropriate. The Supreme Court of Maryland has stated that “a party cannot appeal from a wholly favorable judgment because the party is not aggrieved by that judgment.” *In re M.Z.*, 490 Md. 140, 156-57 (2025). The Court has also stated that a question is moot when “[t]here is no longer an existing controversy between the parties, so there is no longer any effective remedy which the court can provide.” *State v. Peterson*, 315 Md. 73, 80 (1989) (internal citation and quotations omitted). Here, Mr. Thomas received the relief that he requested, and does not cite any authority that required the court to vacate his conviction. There is no longer an existing controversy between the parties or any effective remedy which we or the circuit court can provide, and hence, we dismiss the appeal.

**APPEAL DISMISSED. COSTS TO BE PAID
BY APPELLANT.**