

Circuit Court for Baltimore County
Case No.: 03-K-13-000133

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1774

September Term, 2024

BRYANT WALLS

v.

STATE OF MARYLAND

Leahy,
Albright,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 29, 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.

Following a jury trial in 2014, Bryant Walls, appellant, was found guilty of first-degree burglary and two counts of first-degree murder and was sentenced by the court to two consecutively run life sentences for the murders and a concurrent ten-year term for the burglary. This Court affirmed the judgments. *Walls v. State*, 228 Md. App. 646 (2016).

In 2024, Mr. Walls filed a motion to correct an illegal sentence based on what he perceives as an unexplored ambiguity in the jury’s pronouncement of its verdict, which he claims rendered his conviction defective and hence his sentence illegal. The circuit court denied relief. Mr. Walls appeals that decision. For the reasons to be discussed, we shall affirm the judgment.

BACKGROUND

The transcript of the jury’s announcement of its verdict reflects the following:

THE CLERK: Ladies and gentlemen of the jury, have you agreed upon a verdict?

JURY PANEL: Yes.

THE CLERK: Who shall say for you?

FOREPERSON: What does that mean?

THE COURT: It is the foreperson who will speak for the jury.

FOREPERSON: Yes, I am.

THE CLERK: Mr. Foreperson, what say you in the case of State of Maryland and [sic] Bryant Walls in case number K-13-000133 as to Count 1, do you find the Defendant not guilty or guilty of first-degree premeditated murder of William Cunningham?

FOREPERSON: **Can I say something before?**

THE COURT: **No, sir. You have to deliver the verdict.**

FOREPERSON: Guilty.

THE CLERK: Number 2, do you find the Defendant guilty or not guilty of first-degree burglary?

FOREPERSON: Guilty.

THE COURT: Then you skip down to Question Number 6.

THE CLERK: Number 6, do you find the Defendant not guilty or guilty of first-degree premeditated murder of Okemia Walls?

FOREPERSON: Guilty.

THE COURT: All right.

THE CLERK: Ladies and gentlemen of the jury, hearken to the verdict as the Court has recorded it. Your foreperson saith that as to - -

THE COURT: Before we get to that, **does anyone wish to have the jury polled?**

[DEFENSE COUNSEL]: **Yes, your Honor, and what the foreman was trying to tell you, yes.**

THE COURT: **I think we need to get the verdict delivered, so why don't we poll the jury, please.**

THE CLERK: Ladies and gentlemen of the jury, you have heard the verdict your foreperson has rendered, Juror Number 1, is that your verdict?

JUROR 1: Yes.

(Emphasis added.)

All the other jurors also answered “Yes” when polled. When the polling was complete, defense counsel asked to approach the bench before the hearkening of the verdict. The transcript reflects the following discussion then took place:

[DEFENSE COUNSEL]: Your Honor, it's clear that the foreman, Juror Number 1 has something that he wants to say. He answered the polling

question very hesitantly with reservation and before the verdict was actually taken. I think we need to find out what Juror Number 1 is wanting to say and what his degree of reluctance and hesitancy and reservation appears to be.

THE COURT: I think the only thing, though, under the rule that I can ask him is whether this is his verdict and he answered that question, yes. The rule is very clear that we're not suppose[d] to go behind the verdict or question them about their views. I think there's clear guidance that I can't ask him questions about what his concerns or thoughts are.

[DEFENSE COUNSEL]: But what he said to you can I ask you something, I think that it's not you're soliciting from him, he's trying to tell you something.

THE COURT: I think the only thing I can ask him is whether that is his verdict and the clerk has asked him that question. I don't think I can ask him anything else.

[DEFENSE COUNSEL]: Your Honor, we would object and ask you to do so.

THE COURT: Okay, I understand.

The clerk then hearkened the verdict and afterwards the court thanked the jury for its service. After a short sidebar with counsel, the transcript reflects the following:

THE COURT: All right. I'm gonna have Bridget walk you back to the jury room. If anybody wants to stay, I'll be happy to talk to you.

PANEL JUROR: We just wanted to say thank you, your Honor.

THE COURT: Thank you. I appreciate that.

PANEL JUROR: You've been very kind and patient with us - -

THE COURT: Thank you.

PANEL JUROR: - - and a very nice judge.

THE COURT: Thank you, sir. Thank you.

(WHEREUPON, jurors exit courtroom 7:55p.m.)

THE COURT: **For the record, what the juror said on his way out was he wanted to thank me for being patient with us and that he thought we had been kind and patient to him. That’s what he want [sic] to say. The other jurors said they wanted to reiterate it.** So, for whatever that’s worth, it is what it is. I’ll have my office be in touch with you about further proceedings. We’ll set a sentencing date, but I’ll let you get back to your office.

(Emphasis added.)

The verdict sheet, signed and dated by the jury foreperson, is consistent with the verdicts as announced by the foreperson and as polled and hearkened. Following trial, the defense moved for a new trial raising various grounds, but not asserting any challenge to the validity of the jury’s verdict. The motion was denied. On direct appeal, Mr. Walls raised four issues but did not challenge the jury’s verdict. As noted, this Court affirmed the judgments.

DISCUSSION

Illegal Sentences

Rule 4-345(a) provides that a court “may correct an illegal sentence at any time[.]” but the Rule is very narrow in scope and is “limited to those situations in which the illegality inheres in the sentence itself[.]” *Chaney v. State*, 397 Md. 460, 466 (2007). An inherently illegal sentence is one in which there “has been no conviction warranting any sentence for the particular offense[.]” *id.*; where “the sentence is not a permitted one for the conviction upon which it was imposed[.]” *id.*; where the sentence exceeded the sentencing terms of a binding plea agreement, *Matthews v. State*, 424 Md. 503, 519 (2012); or where the court “lacked the power or authority” to impose the sentence. *Johnson v. State*, 427 Md. 356, 370 (2012). However, a “motion to correct an illegal sentence is not

an alternative method of obtaining belated appellate review of the proceedings that led to the imposition of judgment and sentence in a criminal case.” *Colvin v. State*, 450 Md. 718, 725 (2016) (quoting *State v. Wilkins*, 393 Md. 269, 273 (2006)). In other words, “only claims sounding in substantive law, not procedural law, may be raised through a Rule 4-345(a) motion.” *Id.* at 728. Appellate court review of the circuit court’s ruling on a motion to correct an illegal sentence is *de novo*. *Bratt v. State*, 468 Md. 481, 494 (2020). In addition, “[w]hether a verdict satisfies the unanimous consent requirement,” is ambiguous, or was coerced, is “a mixed question of law and fact, which we review *de novo*, considering the totality of the circumstances.” *Caldwell v. State*, 164 Md. App. 612, 643 (2005) (citations omitted).

The Parties’ Contentions

Mr. Walls maintains that the trial court “erred when it failed to investigate an ambiguous juror verdict and instead pressured the juror to provide what it believed to be an acceptable response.” His position is based on the following exchange:

THE CLERK: Mr. Foreperson, what say you in the case of State of Maryland and [sic] Bryant Walls in case number K-13-000133 as to Count 1, do you find the Defendant not guilty or guilty of first-degree premeditated murder of William Cunningham?

FOREPERSON: Can I say something before?

THE COURT: No, sir. You have to deliver the verdict.

FOREPERSON: Guilty.

Relying on *Caldwell*, 164 Md. App. at 635, Mr. Walls asserts that, rather than pressure the foreman to announce the jury’s verdict, the court should have either directed

the jury to return to the jury room for further deliberations or questioned him in a non-coercive manner to try to clarify the ambiguous response. Mr. Walls maintains that the court’s failure to do either was error. The court further erred, according to Mr. Walls, when it “singled out and compelled an answer from the jury foreman[.]” because doing so “‘increased the likelihood of a coerced verdict.’” (quoting *Browne v. State*, 215 Md. App. 51, 75 (2013)). Hence, Mr. Walls asserts that because the ambiguity in the foreman’s response was not resolved by the trial court, the verdict was “ambiguous and conditional” and, therefore, defective and invalid. Accordingly, he contends that his convictions and sentences are illegal.

The State first notes that “[t]his case presented a straightforward trial in which Walls was charged with killing his estranged wife and her boyfriend, and where he ‘did not dispute his criminal agency’ but raised various forms of self-defense.” (quoting *Walls*, 228 Md. App. at 652). Relying on *Colvin*, the State next asserts that any issue Mr. Walls had with the delivery of the verdict should have been raised on direct appeal, and his challenge is not the proper subject of a Rule 4-345(a) motion to correct an illegal sentence.

We begin with Mr. Walls’ reliance on *Caldwell*, which we find is factually readily distinguishable from this case but nonetheless instructive. In *Caldwell*, the trial court interrupted the jury’s deliberations upon learning that the courthouse would be closing in the next hour due to an impending hurricane and would likely be closed the next day. 164 Md. App. at 624. After learning from the foreperson that the jury had reached verdicts on some but not all of the counts and was reminded that one juror would be leaving on a non-refundable vacation and had been assured by the court during *voir dire* that the trial would

not interfere with her vacation plans and in light of the defense’s unwillingness to proceed with 11 jurors, the court chose to take a partial verdict and declare a mistrial on the undecided counts. On appeal, this Court held that the partial verdicts were tentative and, therefore, not unanimous and we reversed. We explained:

In this case . . . it cannot be said that the jurors reached final decisions on certain counts while operating on their own deliberative timetable. The jurors were interrupted and brought out from deliberating due to an emergency that required them to leave the courthouse; and upon being told to return three days later to resume their deliberations, one of their members made it known that it would not be possible for her to do so. Thus, the deliberation did not end on its own accord as to any count. Moreover, no one on the jury volunteered that a final decision had been made on any count. The status of the jury’s decision making only came out when the court asked the foreperson for a progress report.

The foreperson’s initial progress report . . . showed that, at the point that their deliberation was interrupted, the jurors were engaged in a give-and-take bargaining process in which all but one count had received a 12 to 0 vote, the remaining count had not, and some jurors had expressed a willingness to reconsider the votes they previously had cast. The bargaining process the foreperson described disclosed that the votes cast were intended to be provisional, in that the jurors regarded them to be subject to change as the deliberation continued.

The later reports by the jury foreperson revealed uncertainty about the number of counts that had received a 12 to 0 vote during deliberation. After first reporting that there was a 12 to 0 vote on all but one count, the foreperson reported that the votes had been 12 to 0 in all but two counts. Defense counsel complained during the interlude between reports that there was commotion in the jury box and that the jurors actually were discussing the case in the jury box—essentially, that they were continuing to deliberate while the court and the lawyers were dealing with the emergency circumstances that had arisen and discussing how to handle them.

During the poll, the uncertainty and confusion about the finality of the verdicts escalated. The foreperson at first announced a guilty verdict on attempted second-degree murder in the Jackson case, and then, apparently prompted by the reactions of other jurors, changed the announcement on that count to no verdict. The total number of counts announced as “no verdict”

was three—not one, or two, as first reported and then amended by the foreperson at the bench—and the “no verdict” counts were in both the Jackson *and* the Nelson cases, not just in the Jackson case, as originally reported.

The totality of the circumstances leading up to and surrounding the taking of the partial verdicts in this case raised considerable doubt as to whether, before being called into the courtroom, the jurors had reached final verdicts, by unanimous consent, on the counts on which the partial verdicts then were taken.

Id. at 644-46.

In its discussion in *Caldwell*, this Court emphasized that “to satisfy the unanimous consent requirement, a verdict must be unambiguous and unconditional and must be final—in the sense of not being provisional or tentative and, to the contrary, being intended as the last resolution of the issue and not subject to change in further deliberation.” *Id.* at 642-43. Accordingly, “[a] verdict that is tentative, not being by unanimous consent, is defective and not valid.” *Id.* at 643. Thus, we instructed that, when accepting a verdict, “a trial judge must guard against the danger of transforming a provisional decision into a final verdict.” *Id.* When the circumstances raise the question of lack of finality or it appears that the verdict is ambiguous, the court should not accept the verdict but instead “take corrective action, either by returning the jury to its room for further deliberations or by noncoercively attempting to clarify a juror’s ambiguous response through questions.” *Id.* at 635 (citations omitted).

Under the circumstances of this case, we are not persuaded that the jury’s verdict may not have been final, was in any way ambiguous, or was not a unanimous decision based on the foreperson asking if he could “say something before” when the clerk inquired

as to the jury’s verdict on the first count. When the court replied no, the foreperson announced the verdict as “[g]uilty” on that and on all the remaining counts. When polled, the foreperson (Juror No. 1) and all other jurors responded “yes” when asked if the verdicts announced by the foreperson was his or her verdict. And no doubt was raised when the verdicts were hearkened. Thus, we cannot say that the verdicts were invalid or defective for lack of unanimity or finality. Nor do the circumstances from the record before us indicate otherwise. Unlike in *Caldwell*, there is nothing in the record to suggest that jury deliberations in this case were interrupted or that the jury was pressured by circumstances of any sort to conclude deliberations before they were complete.

Nor is there anything that convinces us that the foreperson’s verdict was tentative or ambiguous. True, he asked to “say something before” announcing the jury’s verdict. But he was not raising a question and given the numerous notes the jury sent during deliberations, the record is clear that the foreman knew how to raise questions with the court during the deliberation process.¹ Before hearkening, defense counsel, in an effort to persuade the court to allow the foreman to speak what was on his mind, did say that it was “clear that the foreman, Juror Number 1 has something that he wants to say” and that “[h]e answered the polling question very hesitantly with reservation and before the verdict was actually taken.” The cold record before us, however, does not reflect any hesitancy or

¹ It appears that the jury sent a number of notes asking for clarification of various aspects of the law and, in at least one, requesting to view evidence, and inquiring about matters such as taking a break or leaving for the day. None of the notes we have found in the record before us reflect any problems with the jury reaching a unanimous decision on any of the counts.

reservation on the part of the foreman, but rather reflects that when polled as to whether the verdict rendered was his verdict, answered: “Yes.”

As for the trial judge’s failure to “explore” with the foreperson his question asking if he could “say something before” announcing the verdict, we agree with the State that under the circumstances here, error, if any, in failing to do so would constitute a procedural issue not cognizable in a Rule 4-345(a) motion to correct an illegal sentence. *Colvin*, 450 Md. at 725. But in any event, after the verdict was accepted and the court was dismissing the jury the judge advised them that he was “happy” to speak with any of them and the transcript reflects that a panel juror (without identifying the juror number) informed the court that “[w]e just wanted to say thank you, your Honor.” It also reflects that a panel juror (not clear whether it was the same or another) stated: “You’ve been very kind and patient . . . and a very nice judge.” When the jurors then exited the courtroom, the judge stated: “**For the record**, what the juror said on his way out was he wanted to thank me for being patient with us and that he thought we had been kind and patient to him. That’s what he wanted to say. The other jurors said they wanted to reiterate it. So, for whatever that’s worth, it is what it is.” (Emphasis added.) Such remarks, made after the dismissal of the jury, need not be made a part of “the record” absent a reason therefore, such as, *perhaps* here, the discussion regarding the foreperson’s request to “say something before” delivering the verdict. As noted, although he filed a motion for a new trial, Mr. Walls did not assert as grounds any deficiency in the announcement of the verdict.

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

The correction notice(s) for this opinion(s) can be found here:

<https://mdcourts.gov/sites/default/files/import/appellate/correctionnotices/cosa/unreported/1774s24cn.pdf>