

Circuit Court for Charles County
Case No.: 08-K-93-000551

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2108

September Term, 2022

JONATHAN THOMAS MATTHEWS

v.

STATE OF MARYLAND

Arthur,
Tang,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 28, 2023

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

This appeal stems from a motion for reduction of sentence filed in the Circuit Court for Charles County by Jonathan Thomas Matthews, appellant. After a hearing, the court took the matter under advisement. Then, in a single-sentence order, the court granted in part and denied in part Matthews’s motion, modifying his sentence from one of life without parole to life with parole. This timely appeal followed.

The parties agree that remand is necessary because the circuit court erred in failing to address the factors required under Md. Code Ann., Crim. Proc. § 8-110(d) in its written decision—so do we. The parties diverge, however, on whether Matthews is entitled to another hearing on remand. For the following reasons, we shall vacate the judgment of the circuit court and remand the case for an additional hearing and for the court to issue a written decision.

In 1993, Matthews, a minor, was charged as an adult with various crimes arising out of the shooting death of Ronald Braithwaite. The record showed that Matthews shot and killed Braithwaite during a robbery. Following a jury trial, Matthews was convicted of first-degree murder, robbery with a deadly weapon, and related offenses. On May 26, 1994, he was sentenced to life imprisonment without the possibility for parole. Matthews’s sentence began June 28, 1993. He turned 17 the next day.

On June 4, 2022, nearly 30 years after he was sentenced, Matthews, who remains incarcerated, filed a motion under the Juvenile Restoration Act (“JUVRA”) seeking a reduction of his sentence. JUVRA’s sentence-reduction provision applies to an offender, like Matthews, who was “convicted as an adult for an offense committed when the individual was a minor” and was “sentenced for the offense before October 1, 2021” when

JUVRA took effect. Md. Code Ann., Crim. Proc. § 8-110(a)(1)-(2). It authorizes such an offender to “file a motion with the court to reduce the duration of the sentence” once the offender “has been imprisoned for at least 20 years for the offense.” Md. Code Ann., Crim. Proc. § 8-110(a), (b)(1).

JUVRA specifies that the court may reduce the duration of a sentence if it determines that “(1) the individual is not a danger to the public; and (2) the interests of justice will be better served by a reduced sentence.” Md. Code Ann., Crim. Proc. § 8-110(c). The court is required to consider a series of statutory factors:

- (1) The individual’s age at the time of the offense;
- (2) The nature of the offense and the history and characteristics of the individual;
- (3) Whether the individual has substantially complied with the rules of the institution in which the individual has been confined;
- (4) Whether the individual has completed an educational, vocational, or other program;
- (5) Whether the individual has demonstrated maturity, rehabilitation, and fitness to reenter society sufficient to justify a sentence reduction;
- (6) Any statement offered by a victim or a victim’s representative;
- (7) Any report of a physical, mental, or behavioral examination of the individual conducted by a health professional;
- (8) The individual’s family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system;
- (9) The extent of the individual’s role in the offense and whether and to what extent an adult was involved in the offense;

- (10) The diminished culpability of a juvenile as compared to an adult, including an inability to fully appreciate risks and consequences; and
- (11) Any other factor the court deems relevant.

Md. Code Ann., Crim. Proc. § 8-110(d).

As this Court recently made clear, a circuit court’s decision on a JUVRA motion must not only be in a written order; it must also expressly address the above factors. *Sexton v. State*, __ Md. App. __, 2023 WL 4782754, at *9 (filed July 27, 2023) (stating that a court ruling on a JUVRA motion “must . . . comply with subsection (e), which requires that the court’s decision be issued in writing and address the factors set forth in subsection (d)”). The failure of the court here to do so requires us to remand this case so that the court may enter an order expressly addressing the required factors.

We also agree with Matthews that, as in *Sexton*, on remand, the circuit court should conduct a supplemental hearing. *Id.* The State seeks to distinguish *Sexton* from this case because, there, our decision to vacate the circuit court’s decision was based, in part, on the fact that it had misapplied the governing legal standards. *Id.* But our decision that the court should hold a supplemental hearing was “in light of the passage of time and the nature of the required factors[.]” *Id.* Because nearly the same amount of time will have passed by

the conclusion of this appeal, and the factors remain unchanged, the circuit court should allow the parties to present any additional evidence developed since the last hearing.

**JUDGMENTS OF THE CIRCUIT COURT
FOR CHARLES COUNTY VACATED.
CASE REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION. COSTS TO BE PAID BY
APPELLEE.**