

Circuit Court for Montgomery County
Case No. 98574C

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2177

September Term, 2024

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

v.

JOHN LORENZO VILLAFANA

Graeff,
Kehoe, S.,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: April 6, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Although this case presents a rather convoluted history and many moving parts, the instant appeal before us arises from a denial of a motion for reconsideration filed by Appellant, the Department of Public Safety and Correctional Services (“the Department”), by the Circuit Court for Montgomery County on January 3, 2025. In 2022, Appellee, John Lorenzo Villafana (“Mr. Villafana”), filed a writ of error coram nobis with the circuit court. Mr. Villafana’s petition challenged the validity of the plea agreement from his 2004 conviction of a sex-offense in the third-degree. On December 8, 2023, the circuit court granted the requested relief in part, by ordering that Mr. Villafana would no longer have any obligation to register as a sex offender with the Department. The Department timely filed a motion for reconsideration, challenging Mr. Villafana’s removal from the registry. The circuit court denied the motion for reconsideration, determining that the Department lacked standing in the matter. The Department timely appealed to this Court, and raises the following issues:

1. Did the circuit court err in concluding that the Department lacked “standing” to challenge the circuit court’s order compelling the Department to remove Mr. Villafana from the sex offender registry maintained by the Department?
2. Did the circuit court lack authority to address in a coram nobis proceeding filed in the underlying criminal case Mr. Villafana’s challenge to the Department’s classification of Mr. Villafana as Tier III sex offender who is required to register for life?
3. If the court had authority to consider the issue in the coram nobis proceeding, did the circuit court err in finding that Mr. Villafana is not subject to lifetime registration based on his commission of a third degree sex offense against a 13-year old victim, where both the law in effect at the time of Mr. Villafana’s offense and the law in effect now require registration for life?

Although the Department posed several questions for our review, we answer only the first question and express no opinion on the second and third questions. We agree with the Department that the circuit court erred in concluding that the Department lacked standing to challenge the order compelling the Department to remove Mr. Villafana from the registry. Having answered the first question in the affirmative, we accordingly reverse the Circuit Court for Montgomery County's ruling on the Department's motion for reconsideration and remand the case for the reasons explained below.

I. FACTUAL & PROCEDURAL BACKGROUND

On October 6, 2003, Mr. Villafana was charged with a single count of a third-degree sex offense related to his conduct involving a thirteen-year-old victim. At a hearing before the Hon. S. Michael Pincus of the Circuit Court for Montgomery County on November 19, 2003, Mr. Villafana pled guilty to the charge. On February 17, 2004, Mr. Villafana was sentenced to five years' incarceration, all but four weekends suspended, with one and a half days credit for time served, followed by two years of supervised probation and 100 hours of community service. The circuit court also required Mr. Villafana to register "as a sex offender," but did not specify the term length of his required registration.

On October 5, 2022, Mr. Villafana filed a writ of error coram nobis, challenging the validity of his plea deal and requesting its vacatur. Mr. Villafana argued that his guilty plea was not entered into knowingly, because his former counsel incorrectly advised him that under his plea deal, he would only be required to register as a sex offender for ten years, when in fact, he may have been subject to lifetime registration. Mr. Villafana contends that

his former counsel's misguidance persuaded him to accept the plea deal. During the plea hearing, defense counsel stated that the conviction would result in Mr. Villafana's having to register as a sex offender for a period of ten years. The State's Attorney also stated that the Defendant would have to register for a period of ten years. Judge Pincus ordered that Mr. Villafana register but did not set forth a period for registration. After the State answered the petition for writ of coram nobis, Mr. Villafana supplemented his petition, and the State filed an additional answer. After hearings on June 5 and September 26, 2023, the circuit court issued a statement and order granting in part and denying in part Mr. Villafana's petition on December 8, 2023.¹ The circuit court found that Mr. Villafana's request to vacate his guilty plea was barred under the doctrine of laches, given Mr. Villafana's eighteen-year delay in filing his petition. The circuit court also considered the State's inability to locate the complaining witness. The circuit court did, however, find that Mr. Villafana was not "without recourse." The circuit court found that the plea agreement did not include the contractual term limiting registration to ten years, but that former counsel incorrectly informed Mr. Villafana that he would only have to register for ten years. The circuit court further determined that the ten-year registration requirement stemmed from the sentencing judge's order requiring Mr. Villafana to register as "a Sex Offender," and in the absence of the court's determination of Mr. Villafana as a sexually violent offender or predator, Mr. Villafana "is not required to register for life." The circuit court then

¹ The court's order was dated December 8, 2023, but it was accepted by the Clerk on December 11, 2023. December 8, 2023 was a Friday and December 11, 2023 was a Monday.

ordered that Mr. Villafana “no longer was required to register with any Supervising Authority,” before denying all other requests for relief.

On January 10, 2024, the Department filed a motion for reconsideration of the order granting coram nobis relief.² The Department requested that the order be vacated on the following grounds: (1) coram nobis relief was not applicable to Mr. Villafana, (2) the court lacked jurisdiction to order the type of relief against the Department via a coram nobis action, and (3) at the time of his conviction, Maryland law required that Mr. Villafana register for life. Mr. Villafana filed a response to the motion for reconsideration on October 21, 2024, denying that the Department was a party with legal stake in the action and lacked suffering of an injury in fact.

Oral arguments on the motion for reconsideration were held on November 6 and December 11, 2024. During the hearing, the Department conceded that it was not a party to the coram nobis proceedings and it did not file a motion to intervene. The circuit court’s oral ruling determined that the court properly had power to consider the motion under Courts and Judicial Proceedings Article § 6-408, and that the Department had an important role in making sure the public is informed about individuals who have committed sexual offenses as granted by the Legislature. The circuit court found that the Department lacked standing in consideration of *Rogers v. State*, 468 Md. 1, 5–6 (2020), that states: “the

² The Department did not file a motion to intervene pursuant to Md. Rule 2-414. The Department’s motion for reconsideration did not specify the Rule under which it was filed. Nevertheless, the timing and content of the motion indicate that it was filed pursuant to Md. Rule 2-535(a).

Department's role is to maintain the registry, not to determine who is to be placed on the registry." The circuit court denied the Department's motion for reconsideration orally, and an order memorializing its ruling was entered on January 3, 2025. The Department then timely appealed to this Court on January 10, 2025. Mr. Villafana moved to dismiss this appeal on the grounds that the Department was not a party to the coram nobis proceeding and thus had no standing to file a motion for reconsideration or appeal to this Court.

Additional facts will be included in the discussion as they become relevant.

II. DISCUSSION

Mr. Villafana included a motion to dismiss appeal within his Appellee's Brief. As such, we address the motion to dismiss appeal before turning to the circuit court's denial of the motion for reconsideration. We first deny the motion to dismiss appeal for the reasons explained below, before turning to whether the circuit court erred in denying the Department's motion for reconsideration as without standing.

A. The Department's Standing to Appeal

The Department argues that proper standing to challenge the circuit court's denial of its motion for reconsideration on appeal arises from its direct interest in the subject matter of this case, given the Department's duty to maintain the central offender registry. Per the Department's view, the circuit court's order releasing Mr. Villafana from his obligation to register with the Department made it a party aggrieved with proper standing to seek appellate review.

Mr. Villafana argues that the Department's non-party status to the coram nobis proceeding did not give proper standing to file the motion for reconsideration, and therefore no standing exists to appeal the reconsideration motion. In the alternative, assuming we determine that the Department does have standing, Mr. Villafana asks that this Court reject several issues raised by the Department concerning the underlying merits of the coram nobis proceeding.

Proper parties upon an appeal include those "directly interested in the subject matter of the decree." *Hall v. Jack*, 32 Md. 253, 263 (1870). To appeal into an action between other parties, the new party's interest must be "so closely and directly connected with the subject matter that the intervener will either gain or lose by the direct legal operation and effect of the decree." *Lickle v. Boone*, 187 Md. 579, 584 (1947) (quoting *Wightman v. Evanston Yaryan Co.*, 75 N.E. 502, 505 (Ill. 1905)). "The proper parties to an appeal are those who are directly interested in the subject matter." *State v. Rice*, 447 Md. 594, 614–15 (2016) (quoting *Hall*, 32 Md. at 263). Our focus instead is on the party compelled by the circuit court's decision with a direct interest in the subject matter, rather than the nominal party at trial. *See id.* (reasoning that the circuit court's decision whether to compel Officer Porter to testify made him the proper party on appeal despite the named defendants of Lieutenant Rice, Officer Nero and Officer Miller in the relevant motions before the circuit court).

Upon review of the record, the circuit court's order states that Mr. Villafana is no longer obligated to register with "any Supervising Authority as a result of the conviction

entered in *State v. Villafana, Case No. 98574C, Circuit Court for Montgomery County, MD.* While it is clear that the underlying coram nobis proceeding concerned the State and Mr. Villafana, the Department's interest can fairly be characterized as "so closely and directly connected" with the circuit court order, insofar as the Department will "lose" a registrant. See *Lickle*, 187 Md. at 584. Despite the Department's non-party status, the circuit court order directly resulted in Mr. Villafana's removal from the registry overseen by the Department. Even though the coram nobis petition did not name the Department as a party, the order removing Mr. Villafana's obligation to register with the Department made it a proper party to this appeal. As such, we conclude that the Department has standing to appeal their reconsideration motion despite their non-party status in Mr. Villafana's coram nobis case and deny Mr. Villafana's motion to dismiss the appeal.

B. The Underlying Coram Nobis Proceedings

We briefly address and dispose of whether the underlying coram nobis ruling is properly appealed and poised for consideration. The Department argues that this Court has jurisdiction to consider all the issues raised in this appeal, including the underlying coram nobis ruling, because the Department properly raised all the issues below. The Department further argues that the circuit court rejected the merits of the Department's arguments, which further supports its renewed challenges to the underlying coram nobis ruling.

Mr. Villafana argues that this Court should reject several issues raised by the Department underlying the merits of the coram nobis proceeding. Mr. Villafana argues that the only timely issue for this Court to consider is the denial of the motion for

reconsideration, as the underlying coram nobis ruling and its legal correctness were not properly appealed.

We agree with Mr. Villafana’s argument, namely, that the underlying coram nobis order is not properly before us despite its relation to the Department’s motion for reconsideration. There exists a fundamental difference “between appealing from an underlying judgment itself and appealing the denial of a motion to have the judgment revised or modified.” *Stuples v. Baltimore City Police Dep’t*, 119 Md. App. 221, 240 (1998). An appeal from the primary judgment itself is the proper method for raising the correctness of such a legal ruling, as an appeal from the denial of a revisory motion is not an appeal of the substantive merits. *Id.* (citing *Hardy v. Metts*, 282 Md. 1, 6 (1978)). Even though the Department argued issues of statutory interpretation under Maryland law in their motion below, and the circuit court briefly addressed these points, the circuit court’s denial of the Department’s motion was ultimately based on standing grounds. The circuit court, having determined that the Department lacked standing, did not reach the substantive issues raised by the Department in its motion. To address the underlying statutory issues would be premature, particularly given our later discussion of the denial of the motion for reconsideration. Therefore, our concern lies only with the denial of the motion for reconsideration, as the coram nobis order and its legality are not properly before this Court. *Id.* at 240–41 (quoting *In re Adoption No. 93321055*, 344 Md. 458, 475–76 (1997)).

C. The Department's Standing to Seek Reconsideration

We review the denial of a motion for reconsideration under an abuse of discretion standard. *U.S. Life Ins. Co. in City of New York v. Wilson*, 198 Md. App. 452, 464 (2011) (citing *Wilson-X v. Dep't of Human Res. ex rel. Patrick*, 403 Md. 667, 674–75 (2008)). Central to the scope of review is whether the trial court judge abused their discretion in declining to reconsider the judgment. *Estate of Vess*, 234 Md. App. 173, 205 (2017) (citing *Grimberg v. Marth*, 338 Md. 546, 553 (1995)). A trial court's failure to consider the proper legal standard in reaching their decision constitutes an abuse of discretion. *Aventis Pasteur, Inc. v. Skevofilax*, 396 Md. 405, 433 (2007) (quoting *Ehrlich v. Perez*, 394 Md. 691, 708 (2006)).

The Department argues that it has standing to move for reconsideration as an aggrieved party, given the circuit court's order that Mr. Villafana no longer has an obligation to register with any Supervising Authority. While the Department concedes that it was not a party to the underlying coram nobis proceeding, it argues that upon learning of the order to remove Mr. Villafana, it complied with the order and timely asked the court to reconsider its ruling. In the Department's view, its statutory and executive duty to maintain the offender registry supports its standing because Mr. Villafana's removal from the registry "personally and specifically" affected the Department. The Department argues that the circuit court improperly conflated the doctrine of standing with the Department's authority to manage the registry and to classify offenders into tiers according to Maryland law. In the Department's view, it has standing to move for reconsideration of the circuit

court's order as a party aggrieved given its legal obligation to ensure Mr. Villafana remains on the registry for the proper term.

Mr. Villafana argues that the Department lacks standing to seek reconsideration given its non-party status and lack of a "legal stake" in his coram nobis case. While Mr. Villafana concedes that the Department has a legal obligation to maintain a central offender registry, he maintains that the Department lacks any authority to determine the length of one's registration requirement and therefore the motion for reconsideration was properly denied.

Standing applies as a threshold issue, meaning a party may proceed with a case only if they have a real and justiciable interest capable of resolution through litigation. *State v. Phillips*, 210 Md. App. 239, 257 (2013) (quoting *Norman v. Borison*, 192 Md. App. 405, 420 (2010), *aff'd on other grounds*, 418 Md. 630 (2011)). A party must demonstrate either an injury in fact or an actual legal stake in the matter adjudicated before the court to have standing. *Id.* (citing *Hand v. Mfrs. & Traders Tr. Co.*, 405 Md. 375, 399 (2008)). Depending on the case at hand, the General Assembly may also grant standing in light of the powers and duties conferred upon an agency. *State Admin. Bd. of Election L. v. Bd. of Supervisors of Elections of Baltimore City*, 342 Md. 586, 596 (1996). Therefore, standing exists when it is "grounded on a statute conferring a legal interest or privilege." *Long Green Valley Ass'n v. Bellevale Farms, Inc.*, 432 Md. 292, 313 (2013) (citing *Comm. for Responsible Dev. on 25th St. v. Mayor & City Council*, 137 Md. App. 60, 72 (2001)). Standing has been found when the trial court's orders include direction to take certain

actions, such as removing an individual from Maryland's sex offender registry. *Dep't of Pub. Safety & Corr. Servs. v. Doe*, 439 Md. 201, 220 (2014) (hereinafter "*Doe*").

As explained above, following the coram nobis proceeding, the circuit court ordered that Mr. Villafana is "no longer required to register" as a sexual offender. The Department concedes it was not a party to coram nobis case, and argues it only filed a motion for reconsideration after learning about the court order which effectively compelled the Department to remove Mr. Villafana from the registry. When the circuit court relieved Mr. Villafana from his obligation to register, the Department became involved in the case. The order serves as "direction" to the Department to "take certain actions," that is, remove Mr. Villafana from Maryland's sex offender registry, which is sufficient to establish standing to challenge the circuit court order. *See Doe*, 439 Md. at 220.

There is a procedural anomaly in this case. Coram nobis is a common law action that is a separate civil proceeding used as a collateral challenge a conviction. *Ruby v. State*, 353 Md. 100, 107 (1999). Typically, a challenge to the reporting requirement under Md. Code Ann., Crim. Proc. § 11-701 *et seq.* is done by a declaratory judgment action. *See Doe*, 439 Md. at 209; *Rogers*, 468 Md. at 9. The instant case was not filed as a separate civil action seeking declaratory relief. Instead, the action was filed in Mr. Villafana's criminal case. At oral argument for this appeal, Mr. Villafana's attorney (who represented the respondent in *Rogers*) explained that she had filed the coram nobis action in the criminal case because its purpose was to challenge the underlying conviction. She distinguished this purpose from a challenge to the registration requirement in *Rogers*. Thus, at the outset of

this case, the parties were Mr. Villafana and the State of Maryland, who is represented by the State's Attorney. *See* MD. CONST. art. V, § 9. The Department's motion to reconsider was not filed in a criminal context. Instead it implicitly sought reconsideration pursuant to the civil rules found in Title 2 of the Maryland Rules. The Department did not file a motion to intervene pursuant to Maryland Rule 2-214. However, once the court directed that Mr. Villafana no longer had to register, an obligation had been placed on the Department making it a necessary party to the action. Maryland Rule 2-211(a) requires the joinder of a party when complete relief cannot be accorded among those already parties. In this case, because of the Department's statutory responsibilities, once the trial court issued its decision absolving Mr. Villafana of the obligation to register, complete relief could not have been accorded between the State and Mr. Villafana. In this context, Mr. Villafana's attorney did not err in failing to name the Department. However, once an obligation was effectively imposed on the Department, it became a necessary party.

Notably, the circuit court further overlooked the Department's standing based on its powers and duties. We recognize the General Assembly entrusted the Department with "the maintenance of all sex offender registration information for the State." *Doe*, 439 Md. at 237. Given the Department's authority to maintain and oversee the offender registry, it may raise a challenge to a court order that instructs the removal of an individual. The Department filed a motion for reconsideration within the confines of the Maryland Rules. *See* Md. Rule 2-535 ("On motion of any party filed within 30 days after entry of judgment, the court may exercise revisory power and control over the judgment . . ."). The circuit

court's denial of the motion for reconsideration based on standing was, therefore, improper, as the Department could fairly raise issue with the order from Mr. Villafana's coram nobis proceeding. The circuit court abused its discretion in denying the motion for reconsideration on the basis that the Department lacked standing, in light of our conclusion to the contrary. We have no authority to uphold a decision when the circuit court fails "to consider the proper legal standard in reaching their decision[.]" See *Aventis Pasteur, Inc.*, 396 Md. at 433 (quoting *Ehrlich*, 394 Md. at 708).

Having determined that the circuit court erred in dismissing the motion for reconsideration we do not reach the underlying issues. As noted, Mr. Villafana's attorney filed the petition in the criminal case in order to challenge the underlying conviction. Since the court determined that the petition be denied on the basis of laches, further proceedings in a criminal context appear inappropriate. In its motion, the Department argued that a declaratory judgment action was the appropriate avenue to achieve the relief that Mr. Villafana was ultimately granted. If the circuit court grants the motion for reconsideration, the court will need to determine whether the action remains in a criminal case or whether it should be brought as a civil matter.

III. CONCLUSION

For the above reasons, we deny the motion to dismiss given the Department's standing to appeal. Although the Department was not a party to Mr. Villafana's coram nobis proceedings, the order removing Mr. Villafana's obligation to register with "any Supervising Authority" made the Department a proper party to this appeal. We further

conclude that the circuit court erred in denying the Department's motion for reconsideration, as the Department had proper standing to challenge the order removing Mr. Villafana from the offender registry. Consequently, the circuit court's order denying the Department's motion for reconsideration must be reversed and the case remanded to the circuit court for further consideration consistent with this opinion.

**JUDGMENT OF THE CIRCUIT COURT FOR
MONTGOMERY COUNTY REVERSED.
CASE REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH THIS
OPINION. COSTS TO BE PAID BY
APPELLEE.**