

Circuit Court for St. Mary's County  
Case No. C-18-CV-19-000355

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2463

September Term, 2019

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BRIAN-ARTHUR WEESE

v.

JULIE WHITE

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Fader, C.J.,  
Kehoe,  
Wright, Alexander, Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: January 5, 2021

\*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 2010, Brian-Arthur Weese, appellant, was convicted of one count of second-degree sex offense in the Circuit Court for St. Mary’s County following a guilty plea. Julie White, appellee, was the prosecutor in that case. In 2019, Mr. Weese filed a civil complaint against Ms. White claiming that she had committed “unlawful acts of Jurisdictional Enforcement and Due Process” in the criminal case. Specifically, he asserted that the circuit court had lacked jurisdiction over his case and therefore, that Ms. White had breached her fiduciary duty in pursuing the prosecution. As relief, Mr. Weese sought his immediate release as well as over 5 billion dollars in damages. Ms. White filed a motion to dismiss, asserting that she was immune from suit and that the complaint failed to state a cause of action upon which relief could be granted. The circuit court granted the motion to dismiss on November 26, 2019.

On January 22, 2020, Mr. Weese filed a “Motion for Reconsideration,” wherein he claimed that: (1) the court had lacked subject matter jurisdiction to accept his guilty plea because he was a “Non-resident, not a Statutory Citizen”; (2) because the court lacked jurisdiction, the judgment in his criminal case was “void”; (3) Ms. White was not immune from suit because she prosecuted the case knowing that the court had lacked jurisdiction; and (4) there was no statute of limitations for a jurisdictional challenge. The court denied the motion for reconsideration on January 27, 2020. Mr. Weese filed a notice of appeal on February 12, 2020.

Although Mr. Weese raises numerous issues on appeal, the only issue that is properly before us is whether the court abused its discretion in denying his motion for reconsideration. *Smith v. State*, 232 Md. App. 583, 598 (2017) (internal quotation marks

and citation omitted). In *Pickett v. Noba, Inc.*, 122 Md. App. 566, 570-71 (1998), this Court recognized that a motion for reconsideration filed within ten days of the entry of judgment stays the deadline to file an appeal, whereas one filed more than ten days after entry of the judgment does not. Because Mr. Weese’s motion for reconsideration was filed approximately two months after the entry of the order dismissing his complaint, the deadline to file an appeal from that judgment was not stayed. As such, his notice of appeal does not encompass that judgment and is only timely as to the court’s denial of his motion for reconsideration. *See* Rule 8-202(a) (requiring notice of appeal to be filed within thirty days of the judgment from which the appeal is taken).

Moreover, because the motion for reconsideration was filed more than 30 days after the entry of judgment, the only possible avenue under which he could have obtained relief was Maryland Rule 2-535(b). *See Kent Island, LLC v. DiNapoli*, 430 Md. 348, 366 (2013) (noting that after 30 days have passed after the entry of a final judgment, a court may only modify its judgment upon a motion filed pursuant to Rule 2-535(b)). To vacate or modify an enrolled judgment pursuant to Rule 2-535(b), a movant must establish the existence of either fraud, mistake, or irregularity. These jurisdictional predicates are “narrowly defined and strictly applied” due to the strong countervailing interest in judicial finality. *Leadroot v. Leadroot*, 147 Md. App. 672, 682-83 (2002). For the purposes of Rule 2-535(b), mistake constitutes a “jurisdictional error, such as where the [c]ourt lacks the power to enter judgment.” *Green v. Ford Motor Credit Co.*, 152 Md. App. 32, 51 (2003). Irregularity refers to “a nonconformity of process or procedure,” and not a mere departure from truth or accuracy that could have been challenged by the defendant at trial. *Davis v. Attorney*

*Gen.*, 187 Md. App. 110, 125 (2009). And fraud entails extrinsic fraud committed on the court that “prevents the adversarial system from working at all,” rather than intrinsic fraud that occurred during the trial. *Das v. Das*, 133 Md. App. 1, 18-19 (2000).

Here, none of the contentions raised in Mr. Weese’s motion for reconsideration demonstrated the existence of any fraud, mistake or irregularity that would have warranted the circuit court setting aside the final judgment dismissing his complaint. *See generally Thacker v. Hale*, 146 Md. App. 203, 217 (2002) (“Maryland courts have narrowly defined and strictly applied the terms fraud, mistake, [and] irregularity, in order to ensure finality of judgments.”). Specifically, his jurisdictional claims addressed the circuit court’s alleged lack of jurisdiction to accept his guilty plea and sentence him in 2010, not the jurisdiction of the court to enter the order dismissing his civil complaint. And in any event, we note that his claims regarding the sentencing court’s jurisdiction are wholly without merit and appear to be based on legal theories advanced by the proponents of the “sovereign citizen” movement, which we have noted “have not, will not, and cannot be accepted as valid.” *Anderson v. O’Sullivan*, 224 Md. App. 501, 512-13 (2015). Consequently, the court did not abuse its discretion in denying the motion for reconsideration.

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