

Circuit Court for Montgomery County  
Case No. 125462C

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1260

September Term, 2024

---

NDOKLEY PETER ENOW

v.

STATE OF MARYLAND

---

Leahy,  
Zic,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: March 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.

Ndokley Peter Enow, appellant, appeals from the denial, by the Circuit Court for Montgomery County, of a “Renewed Motion to Dismiss the Indictment for Failure to Charge a Cognizable Offense” (hereinafter “motion to dismiss”). For the reasons that follow, we shall affirm the judgment of the circuit court.

We recount some of the pertinent facts from our most recent opinion in Mr. Enow’s case:

In 2014, Mr. Enow sought to hire someone to kill or maim his ex-wife and the mother of his child. His solicitation was recorded by an undercover police officer posing as a hitman, whom he had given a deposit for the job. A grand jury returned an indictment charging him with solicitation to commit first-degree murder and solicitation to commit first-degree assault.

In 2015, Mr. Enow appeared with counsel in court and pursuant to a plea agreement with the State entered a plea of guilty to solicitation to commit first-degree murder. The court sentenced him in accordance with the plea agreement to 40 years’ imprisonment, all but 20 years suspended, to be followed by a 5-year term of supervised probation. Mr. Enow, representing himself, filed an application for leave to appeal, which this Court denied. Subsequent petitions he filed *pro se*, including a petition for post-conviction relief, three petitions for a writ of actual innocence, and a petition for habeas relief have all been denied.

In 2023, Mr. Enow filed a motion to correct an illegal sentence in which he challenged the legality of his conviction and argued that because his conviction is illegal, his sentence is also illegal. As grounds, he asserted he was illegally arrested without probable cause; he was not afforded a preliminary hearing in the District Court of Maryland; he was illegally indicted; the indictment “failed to charge a cognizable offense” and there was no “evidence” that he had actually paid money to the undercover officer; his trial counsel “colluded with the State’s Attorney” in crafting the plea agreement; the plea agreement was presented to the court without his consent; he was “coerced and induced under duress” to plead guilty; the State’s proffer of facts in support of the plea was not “substantiate[d]” with any physical evidence; the State’s proffer of facts included “a modified and edited audio/video disk” of the solicitation “illegally obtained” by “wiretapped recorded tape conversations” between him and the undercover officer; and the court did not have “subject matter jurisdiction and power” to

sentence him. The circuit court denied relief, noting that Mr. Enow had failed to state a cause of action upon which relief could be granted.

*Enow v. State*, No. 2009, Sept. Term, 2023 (filed May 10, 2024), slip op. at 1-2.

Mr. Enow subsequently appealed from the judgment to this Court. *Id.* at 1.

Affirming the judgment, we stated:

[Mr. Enow’s] allegations regarding his arrest and the plea proceedings resulting in his conviction cannot be raised in a Rule 4-345(a) motion, and many of those same assertions have been deemed meritless in prior proceedings. He was sentenced in accordance with the plea agreement and, therefore, he cannot (and does not) claim that the sentence imposed violated the terms of that agreement. In essence, the only viable claim he may have is that the trial court lacked the power or authority to impose a sentence for solicitation to commit murder because, in his view, there is no such offense in Maryland. That argument too is meritless. *Brice v. State*, 256 Md. App. 470 (2022) (affirming a conviction for common law solicitation to commit first-degree murder); *Allen v. State*, 91 Md. App. 705 (1992) (same).

*Enow*, slip op. at 3-4.

On June 20, 2024, Mr. Enow filed the motion to dismiss, in which he moved, on many of the same grounds that he raised in the motion to correct illegal sentence, “to dismiss the indictment for failure to charge a cognizable offense.” Mr. Enow also “request[ed] a hearing pursuant to Maryland [R]ule 2-311(f).” The court denied the motion without a hearing.

Mr. Enow contends that, for numerous reasons, the court erred in denying the motion and failing to hold a hearing on the motion. The State moves to dismiss the appeal “because it is governed by the law of the case.” Alternatively, the State requests that we affirm the judgment of the circuit court.

We shall affirm the judgment of the circuit court. In our previous opinion, we explicitly rejected Mr. Enow’s contention that the sentencing court “lacked the power or authority to impose a sentence for solicitation to commit murder because, in his view,” solicitation to commit murder is not a cognizable offense. The law of the case doctrine prevents relitigation of the contention, *see Nichols v. State*, 461 Md. 572, 593 (2018) (“the law of the case doctrine prevents relitigation of an ‘illegal sentence’ argument that has been presented to, and rejected by, an appellate court” (internal citation, quotations, and brackets omitted)), and hence, the court did not err in denying the motion to dismiss. Also, Rule 1-101(b) states that Title 2 of the Maryland Rules “applies to civil matters in the circuit courts.” Rule 2-311(f) does not require a court to hold a hearing on a motion in a criminal matter, and hence, the court did not err in failing to hold a hearing on the motion to dismiss.<sup>1</sup>

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

---

<sup>1</sup>In light of our disposition of Mr. Enow’s appeal on its merits, we deny the State’s motion to dismiss the appeal.