

Circuit Court for Wicomico County
Case No. C-22-CR-17-000477

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1339

September Term, 2024

RICHARD MOISE

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.

Richard Moise, appellant, appeals from the denial, by the Circuit Court for Wicomico County, of a “Motion to Revise . . . or . . . Vacate Ju[dg]ment” (hereinafter “motion to revise”). For the reasons that follow, we shall affirm the judgment of the circuit court.

On January 23, 2017, the State obtained against Mr. Moise an indictment for numerous offenses related to the armed robbery of a branch of the Bank of Delmarva. The circuit court assigned case number C-22-CR-17-000042 to the indictment. On July 10, 2017, the State obtained against Mr. Moise a second and lengthier indictment, to which the circuit court assigned case number C-22-CR-17-000477. On July 17, 2017, Mr. Moise appeared with counsel for a pretrial conference in both cases. The prosecutor announced “the State’s intention to have” the second indictment served at the conference, and “dispose of the case ending in 0042.” Defense counsel suggested that the State “serve the superseding indictment on [Mr. Moise] now and proceed directly to the bond hearing.” The court agreed and ordered the prosecutor to “give the copy to [defense counsel] on behalf of his client.” The court subsequently noted: “[Defense counsel] has accepted service on behalf of his client who is present.” Following trial, Mr. Moise was convicted by a jury of sixteen offenses, and sentenced to a total term of imprisonment of seventy years. *Moise v. State*, No. 704, Sept. Term 2018 (filed August 23, 2019), slip op. at 1.

On July 31, 2024, Mr. Moise filed the motion to revise, in which he contended that “he was not properly served the new indictment[,] constit[uting] jurisdictional mistake” and “warrant[ing] the striking of the” convictions. The court denied the motion.

Mr. Moise contends that the court erred in denying the motion, because “the indictment was served on [defense] counsel without authorization,” and hence, Mr. Moise “was never served.” In support of his contention, Mr. Moise cites Rule 2-121(a) (“[s]ervice of process may be made within this State . . . by delivering to the person to be served a copy of the summons, complaint, and all other papers filed with it”) and Rule 2-124(b) (“[s]ervice is made upon an individual by serving the individual or an agent authorized by appointment or by law to receive service of process for the individual”). But, Rule 1-101(b) states that Title 2 of the Maryland Rules applies not to criminal matters, but to “civil matters in the circuit courts.” Mr. Moise does not cite any authority that renders insufficient, in a criminal matter, service of an indictment upon a defendant by the handing of the indictment to the defendant’s counsel, in the defendant’s presence and under the court’s supervision. Hence, the court did not err in denying the motion to revise.

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