Circuit Court for Frederick County
Case No. 00009893

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1922

September Term, 2023

JOHN PAUL SEXTON

v.

STATE OF MARYLAND

Beachley,
Albright,
Wright, Alexander, Jr.,
(Senior Judge, Specially Assigned)

JJ.

Opinion by Albright, J.

Filed: January 22, 2025

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

This is Appellant John Paul Sexton's second appeal in regard to his first motion for reduction of sentence under the Juvenile Restoration Act ("JUVRA").[1] One of JUVRA's remedies is to allow those who committed crimes as minors, but who were convicted as adults for those crimes (and sentenced before October 1, 2021), to move for reduction of the duration of their sentence after they have served more than twenty years of that sentence. For these motions, the circuit court must consider eleven statutory factors,[2] among other things, in determining whether to reduce the duration of a

[1] We refer to Mr. Sexton's motion here as a "JUVRA motion." Nonetheless, JUVRA establishes not one but three remedies for minors convicted of crimes as adults. *Malvo v. State*, 481 Md. 72, 85 (2022). The first two were codified at Section 6-235 of Maryland's Criminal Procedure Article ("CP") and permitted a sentence less than the mandatory minimum term otherwise required by law and prohibited a sentence of life imprisonment without the possibility of parole. *Id.* The third, codified at CP § 8-110, permitted the filing of a motion for reduction of the duration of sentence by a defendant who committed a crime as a minor, was convicted of that crime as an adult, had been sentenced for that crime before October 1, 2021, and who had served more than 20 years of that sentence. It is the third remedy that we are concerned with here and that we call a "JUVRA motion."

[2] CP § 8-110(d) provides that:

> (d) A court shall consider the following factors when determining whether to reduce the duration of a sentence under this section:
>
> (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;

defendant's sentence. In Mr. Sexton's first appeal, we held that the circuit court erred when, in denying Mr. Sexton's JUVRA motion, the court failed to exercise the discretion afforded it under JUVRA. *See Sexton v. State*, 258 Md. App. 525 (2023) ("*Sexton I*"). Thus, we vacated the circuit court's judgment and remanded for a new hearing, at which the circuit court was to again "weigh and address" JUVRA's factors "both in light of the purpose of JUVRA and the Eighth Amendment jurisprudence from which the statute derives." *Id.* at 545.

> (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.

CP § 8-110(d).

In this appeal, Mr. Sexton contends that the circuit court's decision on remand was again incorrect. Specifically, Mr. Sexton argues that after making findings that warranted a reduction in the duration of his sentence and granting his motion, the circuit court erred and abused its discretion by imposing a new sentence that did not reduce the duration of his sentence.

Mr. Sexton presents one question for our review, which we have rephrased as follows:[3]

> After having granted Mr. Sexton's motion for reduction of sentence under JUVRA, did the circuit court err and abuse its discretion in the new sentence that it imposed?

Though the State does not agree with all of Mr. Sexton's arguments here,[4] it concedes that the circuit court erred and abused its discretion when, having granted Mr. Sexton's motion, the circuit court followed with a new sentence that was not a reduction in the duration of Mr. Sexton's sentence. We agree, as well.

[3] Mr. Sexton phrases the issue as:

> Did the circuit court misconstrue and misapply Criminal Procedure Article § 8-110 in again denying [Mr. Sexton's] motion for reduction of sentence pursuant to the Juvenile Restoration Act?

[4] Mr. Sexton's other arguments are (1) that the circuit court failed to give special weight to Mr. Sexton's rehabilitation when conducting its analysis of the JUVRA factors; and (2) that the circuit court misconstrued the "interests of justice" standard in its analysis under CP § 8-110(c). We address these arguments below.

BACKGROUND

I. Mr. Sexton's Crime and Sentencing.

We quote, from *Sexton I*, the facts underlying Mr. Sexton's offense:

> In 1988, Mr. Sexton, a minor, was charged as an adult with various crimes arising out of the shooting death of Marc Uher. The shooting occurred on October 26, 1988, the evening before Mr. Sexton's seventeenth birthday. A jury trial was held in October 1989. The record showed that Mr. Sexton "shot and killed Marc Uher, his friend, in the course of a robbery." The shooting occurred when Mr. Sexton was accompanying Mr. Uher, who was delivering receipts from a gasoline station to the station owner. At trial, Mr. Sexton testified on his own behalf that he "grabbed one of the money sacks and was getting out of the car when the victim suddenly accelerated the car causing the gun to strike the seat and accidentally discharge." "Other evidence indicated that the victim was shot in the right temple from a distance of approximately six inches."
>
> Mr. Sexton was convicted of first-degree premeditated murder, first-degree felony murder, robbery with a dangerous weapon, robbery, three counts of use of a handgun in the commission of a crime of violence, and theft. On December 13, 1989, he was sentenced to life in prison for first-degree premeditated murder, a consecutive twenty years for one of the use of a handgun counts, and another consecutive twenty years for robbery with a dangerous weapon. The remaining counts merged for sentencing purposes. The judgment was affirmed on appeal to this Court. The Supreme Court of Maryland (at the time named the Court of Appeals of Maryland) denied Mr. Sexton's petition for writ of certiorari.

258 Md. App. at 528 (internal citations and footnote omitted).

II. The First Hearing on Mr. Sexton's JUVRA Motion.

Over thirty years after the crime, on May 27, 2022, Mr. Sexton moved for reduction of the duration of his sentence. In denying this motion, the circuit court acknowledged Mr. Sexton's compliance with institutional rules, his exemplary record, his productive use of his incarceration, and his demonstrated rehabilitation. After noting that his sentence was parole eligible, however, the circuit court stated that "whether or not

Mr. Sexton has exhibited behavior that entitles him to a release from incarceration is, in this Court's mind, a [P]arole [Commission] decision and not this Court's decision." The circuit court then denied Mr. Sexton's motion.

III. This Court's Decision in *Sexton I*.

Mr. Sexton appealed, and we vacated the circuit court's judgment. *Sexton I*, 258 Md. App. at 545. Central to our holding was the discretion that CP § 8-110 affords the circuit court to reduce the duration of a sentence. The statute requires the circuit court to exercise that discretion instead of deferring to the Parole Commission. *Id.* at 544–45. Because the circuit court did not exercise its discretion, we remanded. We instructed the circuit court to "again weigh and address the factors set forth in CP § 8-110(d) and make the determinations required by CP § 8-110(c), both in light of the purpose of JUVRA and the Eighth Amendment jurisprudence from which the statute derives," to "comply with subsection (e), which requires that the court's decision be issued in writing and address the factors set forth in subsection (d)[,]" and, "in light of the passage of time and the nature of the required factors," to "allow the parties to present any additional evidence developed since the last hearing." *Id.* at 545–46.

IV. The Circuit Court's Hearing on Remand.

In September 2023, after hearing Mr. Sexton's motion again, the circuit court granted Mr. Sexton's motion and changed his sentence from life imprisonment plus two consecutive terms of twenty years each, to life imprisonment plus a consecutive term of five years and a consecutive term of ten years. As a result, Mr. Sexton's total sentence

was changed from life plus forty years consecutive to life plus fifteen years consecutive. The circuit court explained this decision in a written opinion issued in November 2023.

The circuit court first addressed the prerequisites for relief provided in CP § 8-110(a) and found that Mr. Sexton was sixteen years old at the time of his offense, was sentenced on December 13, 1989, and had been imprisoned for thirty-four years. Therefore, Mr. Sexton was qualified to file his JUVRA motion. CP § 8-110(a) and (b)(1).

Next, the circuit court addressed each of the eleven factors in CP § 8-110(d). First, Mr. Sexton's age at the time of his offense was sixteen years and 364 days. Second, the circuit court reiterated the facts of Mr. Sexton's offense, noting the aggravating nature of Mr. Sexton's murder of his friend and his conduct afterwards in attempting to mislead Mr. Uher's family and the police. As for Mr. Sexton's characteristics, the circuit court discussed Mr. Sexton's love of reading and playing guitar. Third, Mr. Sexton was credited for his substantial compliance with institutional rules.[5] Fourth, the circuit court found that "Mr. Sexton has been using his time appropriately and productively during his period of incarceration[,]" and listed Mr. Sexton's accomplishments while incarcerated.[6] Fifth, the circuit court acknowledged that "Mr. Sexton has demonstrated maturity and

---

[5] Since his incarceration began, Mr. Sexton has been the subject of only three infractions: two in 1990 and one in 2007. Mr. Sexton was found not guilty of the 2007 allegation.

[6] Mr. Sexton received his high school diploma and took several courses through Coppin State University. Additionally, Mr. Sexton completed several vocational courses and made substantial contributions to the America VetDogs program and several organizations for incarcerated individuals.

rehabilitation while incarcerated[,]" and "has not exhibited any behavior in prison that would adversely affect a finding of fitness." The circuit court also listed Mr. Sexton's steps towards rehabilitation.[7] Sixth, the circuit court described the statements provided by Mr. Uher's family and friends and noted the continued opposition to Mr. Sexton's motion for a reduced sentence. Seventh, Mr. Sexton's physical ailments of high blood pressure, elevated triglycerides, and neuropathy were laid out, along with his history of substance abuse—and its remission status. Eighth, the circuit court noted that "Mr. Sexton was not in the child welfare system, and there is no significant history of trauma, or abuse." Ninth, Mr. Sexton was acknowledged as being the sole individual involved in his offense. Tenth, the circuit court noted that juveniles generally are known to be unable to fully appreciate the consequences of their behavior, but that no study was done specifically on Mr. Sexton. As to the eleventh "catch-all" factor, the circuit court discussed that Mr. Sexton was sentenced to life plus a total of forty years consecutive with the possibility of parole despite the State's request for life without the possibility of parole. No other mitigating or aggravating circumstances were provided.

Having considered the eleven factors in CP § 8-110(d), the circuit court determined, under CP § 8-110(c)(1), that Mr. Sexton was not a danger to the public and was a low risk to reoffend. The circuit court based these findings on the evidence as a

[7] Mr. Sexton was credited for his participation in the 2010 RCI Crime Symposium; as a 2012 Victim Awareness Program participant; for his 2014 service for "On Behalf of Crime Victims"; for his completion of the Victim Offender Impact Class and Education Program in 2015; and for his 2019 participation in the Annual Victim Awareness Forum.

whole but noted, in particular, an expert evaluation assessing Mr. Sexton as a low risk for reoffending and Mr. Sexton's lack of disciplinary history while incarcerated.

With regard to whether "the interests of justice will be better served by a reduced sentence[,]" (CP § 8-110(c)(2)), the circuit court concluded that "the statute does not delineate the context in which justice is to be viewed, as [Mr. Sexton's] interest [does] not align with the victim's interests." The court then granted Mr. Sexton's motion and imposed a new aggregate sentence of life plus fifteen years consecutive:

> The Court is mindful that the standard here is what the interests of justice require. The statute does not delineate the context in which justice is to be viewed, as Petitioner's interest [does] not align with the victim's interests. However, in this case Petitioner has an exemplary record at the Division of Correction. He has availed himself of all programs and presented no institutional infractions in over 30 years. Because of the nature of this offense, the Court believes that the interests of justice continue to support consecutive sentences for the handgun offense and the armed robbery. However, due to the exemplary efforts of Petitioner, the Court will impose consecutive sentences within the sentencing guidelines. The sentence on Count 2 Use of Handgun in a crime of violence is modified to 5 years, consecutive to Count 1; the sentence on Count 3, Armed robbery, is reduced to 10 years, consecutive to Counts 1 and 2. So the total sentence is life plus 15 years.

Mr. Sexton then noted this timely appeal.

V. This Court's Decision in *Trimble v. State*.

On August 1, 2024, in *Trimble v. State*, 262 Md. App. 452 (2024) *cert. granted* 489 Md. 196, this Court essentially rejected Mr. Sexton's first argument, i.e., whether the circuit court should have given special weight to his rehabilitation in weighing the JUVRA factors. In *Trimble*, we concluded that JUVRA does not require that any of the

statutory factors be given more or "special" weight. *Id.* at 462–64. At the time we decided *Trimble*, Mr. Sexton and the State had already filed their briefs in this case.

As Mr. Sexton does here, Mr. Trimble argued that the trial court did not give enough weight to his "demonstrated maturity, rehabilitation, and fitness to reenter society" under CP § 8-110(d)(5). *Id.* at 462. Rather than weighing CP § 8-110(d)(5) equally with the other JUVRA factors in subsection (d), Mr. Trimble contended that CP § 8-110(d)(5) should receive special weight because it accords with JUVRA's legislative purpose to "provide a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." *Id.* at 462, 467; *see also Sexton I*, 258 Md. App. at 542–44. We disagreed.

Instead, we determined that the General Assembly "created a balancing test for JUVRA motions, requiring courts to consider the eleven factors in CP Section 8-110(d) without any one factor receiving special weight." *Trimble*, 262 Md. App. at 463–64. The statute requires the circuit court to find, before reducing the duration of a sentence, that (1) an individual is not a danger to the public; and (2) "the interests of justice will be better served by a reduced sentence." CP § 8-110(c). Because the CP § 8-110(c) considerations combine with the eleven CP § 8-110(d) factors—including any unenumerated factor a court finds relevant—we determined that rehabilitation cannot be the only, let alone determinative, part of a circuit court's decision. *Trimble*, 262 Md. App. at 465. Indeed, any of those other factors or considerations "could contribute to the interests of justice determination in any given case." *Id.*

Accordingly, we held that the circuit court in *Trimble* did not abuse its discretion in its analysis of the CP § 8-110(d) JUVRA factors. *Id.* at 465–66. There, we were satisfied that the circuit court met its only requirement to consider each factor and issue its decision in writing, since it "enumerate[ed] and address[ed] each factor in CP Section 8-110(d) based upon the evidence presented." *Id.* at 466. "The circuit court was entitled to weigh [the] evidence as it saw fit." *Id.* at 472. We did not agree that the circuit court failed to meaningfully consider Mr. Trimble's rehabilitation. *Id.*

VI. Mr. Trimble's Successful Petition to the Supreme Court for Certiorari.

On October 25, 2024, our Supreme Court granted Mr. Trimble's petition for certiorari, in which he questioned whether this Court erred in determining that his maturity and rehabilitation were not entitled to greater weight than the other ten CP § 8-110(d) factors.[8] Thus, our Supreme Court will take up the following question,[9] with argument set for February 6, 2025:

In light of the General Assembly's intent that CP § 8-110 provide people who

---

[8] *See* Petitions for Writ of Certiorari - October, 2024, *Maryland Courts*, https://www.courts.state.md.us/scm/petitions/202410petitions (last visited January 22, 2025).

[9] Two additional questions will be argued in *Trimble v. State*. They are:

1. In light of the General Assembly's recognition of the mitigating features of youth when enacting the Juvenile Restoration Act, may a circuit court deciding a motion for sentence reduction under § 8-110

> were minors at the time of a crime a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation," did the Appellate Court err in holding that a defendant's maturity and rehabilitation was not entitled to any greater weight than any of the other ten statutory factors?

Mr. Sexton notified us of this certiorari grant prior to oral argument in this case.

STANDARD OF REVIEW

We explained in *Sexton I* that:

> Under JUVRA, the decision to grant or deny a motion for reduction of sentence under CP § 8-110 generally rests in the discretion of the circuit court upon consideration of the required factors. Yet even under that deferential standard of review, the circuit court's discretion is tempered by the requirement that the court apply the "correct legal standards[.]" When a court fails to do so, it abuses its discretion. Whether the circuit court properly construed and applied CP § 8-110 is a question of law that we review *de novo*.

258 Md. App. at 541–42 (internal citations omitted).

DISCUSSION

I. Under this Court's decision in *Trimble v. State,* the circuit court did not err in giving equal weight to the eleven JUVRA factors provided in CP § 8-110(d).

Mr. Sexton argues that the circuit court's determination that "one factor is not meant to be weighed more than another" is unsupported by the language of the statute, is contrary to the legislative purpose of CP § 8-110, and is inconsistent with prior caselaw.

---

of the Criminal Procedure (CP) Article treat "the individual's age at the time of the offense" as an aggravating factor because the movant was 17 years and approximately 8 months old at the time of the offense?

2. Did the circuit court err in dismissing extensive evidence of rehabilitation because the petitioner was diagnosed with a psychological disorder?

Weighing the factors equally, he argues, is not an approach that necessarily follows from our language in *Sexton I* that CP § 8-110 "is silent as to the weight to be given to each factor, and Maryland's appellate courts have not addressed that issue." 258 Md. App. at 530. Instead, Mr. Sexton argues that CP § 8-110 must be interpreted to effectuate a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation," *Sexton I*, 258 Md. App. at 542–44, because we interpret statutes in light of their legislative purpose and intent. *See Johnson v. State*, 258 Md. App. 71, 88 (2023). Pointing to *Davis v. State*, 474 Md. 439 (2021)[10] and *Alston v. Alston*, 331 Md. 496 (1993),[11] as examples of the special weighting of individual factors within a multi-factor balancing test, Mr. Sexton argues that CP § 8-110(d)(5) similarly should be given greater weight because it alone embodies the General Assembly's purpose in enacting JUVRA.

---

[10] In *Davis*, we addressed a factor test laid out in CP § 4-202 that circuit courts must apply when determining whether to grant a "reverse waiver." *See Davis*, 474 Md. at 454 (defining a "reverse waiver" as "a transfer of jurisdiction by the criminal court to the juvenile court where the alleged crime carried a penalty of death or life imprisonment.") In conducting this test, we determined that one factor—amenability for treatment—was the "ultimate determinative factor that takes into account each of the other four factors" and thus required special weight in the circuit court's determination. *Id.* at 466.

[11] *Alston* involved a statute (Md. Code Ann., Fam. Law ("FL") § 8-205) setting forth several factors a court must consider when deciding whether to order a marital property monetary award in divorce proceedings. The statute says nothing about the relative weight to assign each factor. FL § 8-205(b). In *Alston*, the circuit court applied equal weight to each of the eight factors provided, but our Supreme Court overruled. 331 Md. at 509. Applying an abuse of discretion standard to the circuit court's determination, the Supreme Court held that "in light of the history and purpose of the statute, the eighth factor, relating to 'how and when specific marital property' was acquired and the contribution that each party made toward its acquisition, should be given considerable weight." *Id.* at 507.

Thus, Mr. Sexton concludes, the circuit court committed legal error by weighing each factor equally.

This Court's opinion in *Trimble* forecloses Mr. Sexton's "special weighting" argument. A circuit court is "not required to weigh the rehabilitation factor more heavily than any other factor." *Trimble*, 262 Md. App. at 466. Even accepting Mr. Sexton's argument that the circuit court weighed the factors equally, we perceive no error in that weighing under our current law.

II. We decline to take up Mr. Sexton's argument regarding the "interests of justice" standard to the extent it is not also foreclosed by our decision in *Trimble*.

Mr. Sexton challenges the circuit court's analysis of CP § 8-110(c)'s "interests of justice" standard on two grounds. That section provides that the circuit court "may" reduce the duration of a defendant's sentence if the circuit court 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." CP § 8-110(c).[12] We address these challenges one by one.

---

[12] CP § 8-110(c) provides in full:

> (c) Notwithstanding any other provision of law, after a hearing under subsection (b) of this section, the court may reduce the duration of a sentence imposed on an individual for an offense committed when the individual was a minor if the court 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.

CP § 8-110(c).

Mr. Sexton's first challenge revolves around the word "may." Mr. Sexton contends that even though CP § 8-110(c) says that a circuit court "may reduce the duration of a sentence[,]" the "interests of justice" standard *mandates* a reduction in sentence if both CP § 8-110(c) elements are proven. In other words, notwithstanding the presence of "may" in the statute, the circuit court is required to grant a reduction in sentence upon finding that the "interests of justice will be better served by a reduced sentence." To do otherwise, Mr. Sexton argues, would be an abuse of discretion.[13] The State counters that we need not take up this issue now. We agree with the State.

Justiciable controversies have been defined as those with "interested parties asserting adverse claims **upon a state of facts which must have accrued** wherein a legal decision is sought or demanded." *State Ctr., LLC v. Lexington Charles Ltd. P'ship*, 438 Md. 451, 483 (2014) (quoting *Boyds Civic Ass'n v. Montgomery Cnty. Council*, 309 Md. 683, 689 (1987)) (emphasis in *Boyds*). We do not answer non-justiciable questions because they constitute "advisory opinions, a long forbidden practice in this State." *State Ctr., LLC*, 438 Md. at 483–84 (quoting *Hatt v. Anderson*, 297 Md. 42, 46 (1983)); *see also Alston v. State*, 433 Md. 275, 285 (2013) ("Ordinarily, courts will not decide moot or

[13] Mr. Sexton relies on *Baltimore Police Dep't v. Open Justice Baltimore*, 485 Md. 605 (2023), for this argument. In this case, the Court held that, notwithstanding similarly discretionary language, if a record custodian "determines that it would be in the public interest to waive all or part of the fees to produce the requested records, the custodian does not have discretion at that point to deny the partial or full waiver." *Id.* at 654.

abstract questions, or render advisory opinions.") (quoting *Creveling v. Gov't Employees Ins. Co.*, 376 Md. 72, 83 n.3 (2003)) (cleaned up).

Mr. Sexton's first challenge falls short of a justiciable question because the court *granted* his motion. Here, we are not presented with a set of facts where the circuit court made the finding under CP § 8-110(c)(2) that "the interests of justice will be better served by a reduced sentence[,]" but *denied* the motion anyway. As a result, we decline to take up the abstract question of whether the circuit court would have erred if it had denied Mr. Sexton's motion.

With his second challenge, Mr. Sexton essentially reiterates his earlier point: that rehabilitation should be given special weight in a circuit court's analysis. He says this standard is vague and should be interpreted in light of the legislative intent behind the statute—providing criminal offenders who were minors a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." *Sexton I*, 258 Md. App. at 542–44. The way to do so, Mr. Sexton contends, is to construe the "interests of justice" to mean that maturity and rehabilitation, i.e. the CP § 8-110(d)(5) factor, should be the main determinant of whether a non-dangerous individual is released. Because the circuit court's "interests of justice" analysis included consideration of the victim's interest, Mr. Sexton concludes, insufficient weight was placed on his rehabilitative efforts.

As above, *Trimble* forecloses this argument. In *Trimble*, we rejected the argument that the fifth JUVRA factor (demonstrated rehabilitation and maturity) should weigh more heavily than the other JUVRA factors in the circuit court's determination of what

the interests of justice require. Instead, we said that "[e]ach of the [other] nine factors enumerated in CP Section 8-110(d) could contribute to the interests of justice determination in any given case, as could any unenumerated factor a court deems relevant." *Trimble*, 262 Md. App. at 465.[14] Thus, under *Trimble*, the circuit court was not required to weigh Mr. Sexton's demonstrated rehabilitation and maturity more heavily than the other factors, including the interests of the victim. Accordingly, we see no error or abuse of discretion in the circuit court's "interests of justice" analysis here.

III. The circuit court erred and abused its discretion by granting Mr. Sexton's motion but failing to reduce the duration of his sentence.

Mr. Sexton argues, and the State concedes, that the circuit court erred by failing to reduce Mr. Sexton's sentence after granting his JUVRA motion. Accordingly, both parties ask that we remand the case to the circuit court for further proceedings. We agree and will do so.

Given that the circuit court granted Mr. Sexton's motion and imposed a new sentence on him, the circuit court necessarily determined that Mr. Sexton was entitled to relief. In other words, a new sentence could not have been imposed unless the circuit court first found that (1) Mr. Sexton "is not a danger to the public;" and (2) "the interests of justice will be better served by a reduced sentence." CP § 8-110(c). As to the first

[14] Although there are eleven factors in CP § 8-110(d), the eleventh is a "catchall" factor that includes "any other factor the court deems relevant." Hence, *Trimble* refers to nine (instead of ten) other enumerated factors besides (d)(5)—in addition to the unenumerated ones. *Trimble*, 262 Md. at 465.

element, the circuit court found it explicitly, stating "[Mr. Sexton] is not a danger to the public." As to the second, the circuit court found it implicitly:

> The Court is mindful that the standard here is what the interests of justice require. The statute does not delineate the context in which justice is to be viewed, as Petitioner's interest [does] not align with the victim's interests. However, in this case Petitioner has an exemplary record at the Division of Correction. He has availed himself of all programs and presented no institutional infractions in over 30 years. Because of the nature of this offense, the Court believes that the interests of justice continue to support consecutive sentences for the handgun offense and the armed robbery. However, due to the exemplary efforts of Petitioner, the Court will impose consecutive sentences within the sentencing guidelines. The sentence on Count 2 Use of Handgun in a crime of violence is modified to 5 years, consecutive to Count 1; the sentence on Count 3, Armed robbery, is reduced to 10 years, consecutive to Counts 1 and 2. So the total sentence is life plus 15 years.

But, having granted Mr. Sexton's motion for reduction of sentence, the circuit court erred by imposing a new sentence that did not reduce the time Mr. Sexton had to serve. A "sentence," for the purposes of JUVRA, is "the aggregated punishments imposed for all counts within one case." *Johnson*, 258 Md. App. at 96. Before the circuit court modified his sentence, Mr. Sexton was serving a life sentence with the possibility of parole (first-degree premeditated murder) and two twenty-year sentences (robbery with a dangerous weapon and use of a handgun in the commission of a crime of violence) that were consecutive to Mr. Sexton's life sentence and to each other.[15] After granting Mr. Sexton's motion, the circuit court reimposed his life-with-the-possibility-of-parole sentence. It reduced the duration of his handgun sentence to a consecutive five years, and

[15] The other counts of which Mr. Sexton was found guilty merged for sentencing purposes.

the duration of his sentence for robbery with a dangerous weapon to a consecutive ten years. In total, Mr. Sexton's new sentence was life with the possibility of parole plus consecutive terms totaling fifteen years, instead of the consecutive terms totaling forty years that he originally received.

Mr. Sexton and the State agree, as do we, that this new sentence has no effect on Mr. Sexton's aggregate punishment, however. As the State notes, "a sentence 'reduction' that is a reduction on paper only, and that does not move the offender any closer to release at all, cannot be considered 'a reduc[tion of] the duration of a sentence[.]" Under the new sentence as well as the old, Mr. Sexton must first serve his life sentence. Without a "maximum expiration date" on his life sentence, though, Mr. Sexton's life sentence will not terminate until the end of Mr. Sexton's natural life. *See* COMAR 12.02.06.01.B(12) (defining "maximum expiration date" as "the date that an inmate's term of confinement expires"); *see also Witherspoon v. Md. Parole Comm'n*, 149 Md. App. 101, 106 (2002) (for an incarcerated person serving a sentence of life with the possibility of parole, noting that because a life sentence has "no maximum expiration date," diminution credits apply only to hasten a parole eligibility date and not to a release date). So, under either his original sentence or his new sentence, Mr. Sexton will serve the duration of his natural life unless he is granted parole.

Nor did the circuit court's new sentence hasten Mr. Sexton's parole eligibility. For individuals whose terms of confinement include a life sentence along with a consecutive fixed term or terms, like Mr. Sexton, parole eligibility is "determined by aggregating the number of years required for parole eligibility on the fixed term or terms with the number

of years required for the parole eligibility for the life sentence or sentences." COMAR 12.08.01.17A(8)(b). Mr. Sexton, who was sentenced to life for a crime committed before October 1, 2021, was not eligible for parole on his life sentence until he had "served 15 years or the equivalent of 15 years" considering his diminution credits. Md. Code Ann., Correctional Services ("CS") § 7-301(d)(1)(i). For his consecutive sentences, here "fixed terms," Mr. Sexton was not eligible until he had served one-fourth of the aggregate sentence. CS § 7-301(a)(2). The parties agree that Mr. Sexton became, and has been, parole-eligible since 2009. As a result, even though the circuit court's new sentence reduced the duration of Mr. Sexton's consecutive sentences, it did not have any impact on the duration of the sentence he will serve.

The circuit court's change to Mr. Sexton's sentence without changing the sentence's actual duration is also inconsistent with the purpose of JUVRA. Indeed, CP § 8-110(c) must be applied " . . . both in light of the purpose of JUVRA and the Eighth Amendment jurisprudence from which the statute derives." *Sexton I*, 258 Md. App. at 545. In essence, JUVRA exists to provide "some meaningful opportunity for release based on demonstrated maturity and rehabilitation." *Id.* at 542; *Johnson*, 258 Md. App. at 89 n.17; *Farmer v. State*, 481 Md. 203, 231 n.24 (2022). Upholding the circuit court's failure to reduce the duration of Mr. Sexton's sentence after deciding to grant his motion—based on his demonstrated rehabilitation—would, as Mr. Sexton contends, lead to an absurd result considering JUVRA's purpose. *See Johnson*, 258 Md. App. at 95–96 (JUVRA should be interpreted in a way that avoids absurd results).

In sum, once the circuit court granted Mr. Sexton's JUVRA motion, the only remedy it could grant Mr. Sexton was a new sentence that reduced the duration of his sentence and moved him closer to release. Imposing a sentence that did not do this was an abuse of discretion. Because the circuit court left Mr. Sexton's life sentence intact despite granting his motion, it failed to provide him the only remedy that JUVRA authorized for him.

CONCLUSION

We vacate the circuit court's judgment (the order granting Mr. Sexton's JUVRA motion and the new sentence that followed) and remand for further proceedings not inconsistent with this opinion. On remand, given the passage of time since Mr. Sexton's JUVRA motion was last before the circuit court, Mr. Sexton and the State may present additional evidence. And, because *Trimble* is now pending before our Supreme Court, the circuit court should await our Supreme Court's decision in *Trimble* before hearing Mr. Sexton's JUVRA motion a third time.[16]

---

[16] On remand, although the circuit court will hear Mr. Sexton's JUVRA motion for a third time, it is still his "first motion" in regard to CP § 8-110(f). CP § 8-110(f) provides:

> (f)(1) If the court denies or grants, in part, a motion to reduce the duration of a sentence under this section, the individual may not file a second motion to reduce the duration of that sentence for at least 3 years.

JUDGMENT OF THE CIRCUIT COURT FOR FREDERICK COUNTY VACATED. CASE IS REMANDED FOR FURTHER PROCEEDINGS NOT INCONSISTENT WITH THIS OPINION. COSTS TO BE EQUALLY DIVIDED.

> (2) If the court denies or grants, in part, a second motion to reduce the duration of a sentence, the individual may not file a third motion to reduce the duration of that sentence for at least 3 years.
>
> (3) With regard to any specific sentence, an individual may not file a fourth motion to reduce the duration of the sentence.

CP § 8-110(f).