

Circuit Court for St. Mary's County  
Case No. C-18-CR-22-000409

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2470

September Term, 2023

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MATTHEW MARK MAZZA

v.

STATE OF MARYLAND

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Arthur,  
Friedman,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 9, 2024

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a guilty plea in the Circuit Court for St. Mary’s County, Matthew Mark Mazza, appellant, was convicted of one count of vehicular manslaughter. The court imposed a sentence of 10 years’ imprisonment. Appellant filed a timely application for review of sentence by a three-judge panel. The panel denied the application without a hearing and left appellant’s sentence unchanged. On appeal, appellant raises a single issue: whether the three-judge panel erred in denying his application because it mistakenly believed it could not modify his sentence unless the original sentence judge committed a legal error during sentencing. For the reasons that follow, we shall reverse the judgment and remand the case to the circuit court to reconsider appellant’s application for review of sentence.<sup>1</sup>

Appellant pleaded guilty to one count of vehicular manslaughter, based on evidence that he killed another driver during a traffic accident. At the time of the accident his blood-alcohol concentration was .13 and he was driving approximately 91 mph in a 40 mph zone. Although the sentencing guidelines range was three months to four years, the court imposed a 10 year sentence of imprisonment. Appellant filed an application for review of his sentence by a three-judge panel, arguing that his sentence should be reduced because: (1) it far exceeded the sentencing guidelines; (2) it exceeded the mean sentence of 5.4 years for vehicular manslaughter convictions in Maryland; (3) the sentencing court’s stated reasons for departing from the guidelines did not justify doing so; and (4) the sentencing

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<sup>1</sup> Although the decision of a three-judge panel is normally not appealable unless the panel increases the originally imposed sentence, such an order is reviewable on appeal where, as here, a defendant claims that the panel “has not performed its duty to provide the review.” *Collins v. State*, 326 Md. 423, 432 (1992).

court failed to take into account evidence that supported a below guidelines sentence including his pleading guilty pursuant to an “open” plea, his lack of criminal record, his military service, and his completion of substance abuse treatment while he was custody.

The three-judge panel denied the application without a hearing. In doing so, the panel filed a memorandum explaining its decision, which was adopted by all three of its members. In that memorandum, the panel, citing *Teasley v. State*, 298 Md. 364 (1984), found that there were only three limited grounds for appellate review of sentences: whether it was within statutory limitations, whether it constituted cruel and unusual punishment, and whether it was motivated by ill-will, prejudice, or other impermissible considerations. Noting that the sentencing court was not bound by the sentencing guidelines, the panel concluded that the record was “void of any of [those] grounds.” Therefore, it denied appellant’s application without a hearing.

On appeal, appellant contends that the panel had the authority to revise his sentence regardless of whether it implicated any of the grounds set forth in *Teasley*. He thus asserts that the panel failed to exercise its discretion when it denied his application for review of sentence. The State agrees, as do we. As the panel correctly noted, there are only three grounds for *appellate* review of sentences. But a three-judge sentence review panel is not an appellate court and thus, is not so limited in its review of a defendant’s sentence. *Raley v. State*, 32 Md. App. 515, 528 n.2 (1976) (noting that while such factors may be properly considered by the review panel, its scope of review is “not so limited” and that the application is “addressed to the wide discretion of the panel”). “Despite its limited quasi-appellate composition” a three-judge sentence review panel “really serves as an alternative

mechanism for exercising a revisory power of the circuit court.” *Green v. State*, 96 Md. App. 601, 607 (1993). That is because “the authority vested in the panel to vacate or revise the sentence is discretionary,” whereas this Court “cannot grant the kind of relief that a review panel can grant.” *Id.*

Based on our reading of the panel’s memorandum it appears that it incorrectly believed that it could not modify appellant’s sentence unless it was outside of statutory limitations, constituted cruel and unusual punishment, or was motivated by ill-will, prejudice, or other impermissible considerations. Because the panel’s authority to modify appellant’s sentence was not so limited, it failed to fully exercise the discretion afforded it when it reviewed appellant’s application for review of sentence. Consequently, we shall reverse the judgment and remand the case to the circuit court to reconsider appellant’s application for review of sentence.

**JUDGMENT REVERSED. CASE REMANDED TO THE CIRCUIT COURT FOR ST. MARY’S COUNTY TO RECONSIDER APPELLANT’S APPLICATION FOR REVIEW OF SENTENCE BY A THREE-JUDGE PANEL CONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY ST. MARY’S COUNTY.**