

JODY LEE MILES

v.

STATE OF MARYLAND

\*  
IN THE

\*  
SUPREME COURT

\*  
OF MARYLAND

\*  
Petition No. 202  
September Term, 2024

\*  
(No. 1528, Sept. Term, 2023  
Appellate Court of Maryland)

\*  
(Cir. Ct. No. 17-K-97-004789)  
\*

ORDER

Upon consideration of the petition for a writ of certiorari to the Appellate Court of Maryland, it is this 25<sup>th</sup> day of September 2024, by the Supreme Court of Maryland,

ORDERED that the petition for writ of certiorari is denied as there has been no showing that review by certiorari is desirable and in the public interest.



/s/ Matthew J. Fader  
Chief Justice

Appendix D

Circuit Court for Queen Anne's County  
Case No. 17-K-97-004789

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1528

September Term, 2023

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JODY LEE MILES

v.

STATE OF MARYLAND

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Zic,  
Tang,  
Meredith, Timothy E.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: May 29, 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.

Appendix A

Jody Lee Miles, appellant, appeals from the denial, by the Circuit Court for Queen Anne's County, of a motion for modification of sentence. For the reasons that follow, we shall affirm the judgment of the circuit court.

On April 2, 1997, [Mr.] Miles shot and killed Edward Atkinson during a robbery. [Mr. Miles] was tried by a jury in the Circuit Court for Queen Anne's County from March 9 through March 12, 1998, after the case was removed from the Circuit Court for Wicomico County, and convicted of felony homicide, robbery with a deadly weapon, robbery[,] and use of a handgun in the commission of a crime of violence. A sentencing hearing was conducted on March 17-18, 1998. [Mr. Miles] was sentenced to death on March 19, 1998.

*Miles v. State*, 365 Md. 488, 499 (2001). “On January 20, 2015, the Governor formally commuted [Mr.] Miles’s sentence to a sentence of life without parole[.]” *Miles v. Hogan*, No. 2167, Sept. Term 2016 (filed February 12, 2018), slip op. at 3 (footnote omitted).

On August 25, 2023, Mr. Miles filed a motion for modification of sentence, in which he sought “modification of his . . . sentence of life imprisonment without the possibility of parole” on numerous grounds, and requested a hearing on the motion. On September 11, 2023, the court issued an order in which it denied the motion.

Mr. Miles contends that the court abused its discretion in denying the motion because, for numerous reasons, a “new sentencing hearing is necessary in the interest of justice.” Mr. Miles further contends that his sentence is illegal, because “the date of the implementation of the change of sentence by the circuit court . . . is unknown,” and hence, he “currently serves two sentences for the same offense.” The State moves to dismiss the appeal “as not allowed by law.” Alternatively, the State contends that the court did not abuse its discretion in denying the motion.

We disagree with the State as to whether the appeal must be dismissed. The Supreme Court of Maryland has stated that the denial of a motion to modify a sentence is not appealable “unless tainted by illegality, fraud, or duress[.]” *Hoile v. State*, 404 Md. 591, 615 (2008) (citations omitted). Here, Mr. Miles alleges illegality in the court’s failure to hold a hearing on the motion and in the sentence itself. Hence, we deny the State’s motion to dismiss.

Nevertheless, we agree with the State as to whether the court abused its discretion in denying the motion without a hearing. Mr. Miles does not cite any authority that required the court to hold a hearing on the motion “in the interest of justice.” Mr. Miles also does not cite any authority that required the circuit court to somehow “implement” the Governor’s commutation of the sentence of death in order for the resulting sentence of life imprisonment without the possibility of parole to be legal. Hence, the court did not abuse its discretion in denying the motion for modification.

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

JODY LEE MILES,

Appellant,

v.

STATE OF MARYLAND,

Appellee.

\* \* \* \* \*

\* IN THE  
\* APPELLATE COURT  
\* OF MARYLAND  
\* No. 1528 September Term, 2023  
\* MDEC: ACM-REG-1528-2023  
\* (Cir. Ct. No. 17-K-97-004789)

### ORDER

Upon consideration of the appellant's "Motion for Reconsideration," it is this \_ 10th \_ day of July 2024 by the Appellate Court of Maryland,

ORDERED that, to the extent that the appellant asks the Court to waive the fee for filing the motion, the appellant's "Motion for Reconsideration" is granted; and it is further

ORDERED that, to the extent of any other relief requested, including that the Court reconsider its May 29, 2024 Opinion, the appellant's "Motion for Reconsideration" is denied; and it is further

ORDERED that the Clerk of this Court shall issue the Mandate forthwith.



FOR A PANEL OF THE COURT:  
(consisting of Zic, Tang, Meredith, Timothy E.  
(Senior Judge, Specially Assigned) JJ.)

Judge's Signature Appears  
on Original Order  
TERRENCE M. R. ZIC, Judge

Appendix B

Lynn Knight

Lynn Knight  
Judge

JODY LEE MILES

Petitioner

v.

STATE OF MARYLAND

Respondent

IN THE

CIRCUIT COURT FOR

QUEEN ANNE'S COUNTY

Case No. 17-K-97-004789

\* \* \* \* \*

## MOTION FOR MODIFICATION UPON MOTION

## INCLUDING REQUEST THAT THIS MOTION BE HEARD AT A HEARING

COMES NOW Petitioner Jody Lee Miles *pro se* and *in forma pauperis*, pursuant to Maryland Rules 4-345 (e) Modification upon motion. Petitioner prays that this Honorable Court modify his life without parole sentence. Petitioner states the following for cause:

1. On January 20, 2015, the then Governor of Maryland, Martin O'Malley, commuted Petitioner's sentence of death to life imprisonment without the possibility of parole; (in court file).
2. With respect to a defendant's right, after his or her sentence has been modified, to file a motion under Rule 4-345 (e) seeking further modification of the re-imposed sentence, see *Greco v. State*, 347 Md. 423, 431-433 (1997) and its progeny. Petitioner seeks modification of his re-imposed sentence of life imprisonment without the possibility of parole.
3. Petitioner is 54 years old, DOB: 4/21/69; (in court file).
4. Petitioner has been incarcerated for 26 years; (in court file).
5. Petitioner is remorseful. He has sent a letter to the Atkinson family expressing his sorrow for their tragic loss. This letter was forwarded to the State's attorney's office; (in court file).
6. Petitioner's court documents recount that Petitioner has suffered neglect and multiple forms of abuse during his childhood. Severe sexual abuse led to his alcohol usage at age eleven.

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KATHERINE B. HAGER, CLERK  
By: [Signature]  
DEPUTY CLERK

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Entered: Clerk, Circuit Court for  
Queen Anne's County, MD  
September 11, 2023

Appendix C

Petitioner continued drinking to deal with his psychological trauma and developed a habit of excessive drinking. Petitioner never received guidance or treatment for being a rape survivor; (in court file).

7. Petitioner objected to Governor O'Malley's unrequested commutation of Petitioner's sentence. Due to the commutation, court proceedings that could have led to a lesser sentence than life without parole were discontinued; (in court file).
8. Petitioner has been a model inmate throughout his entire incarceration. He has even risked his own life multiple times for the safety of officers and other inmates; (in court file, exhibits attached).
9. He works with special needs inmates for whom he is the representative and holds weekly meetings with them that focus on developing good habits. He has a positive impact on other inmates; (exhibits attached).
10. While incarcerated, Petitioner earned a GED (in addition to his high school diploma) as well as a diploma in Cognitive Behavioral Therapy. He has many certificates from actively participating in various programs offered by the correctional institutions he has resided at; (exhibits attached).
11. While incarcerated, Petitioner has always been employed. He was a maintenance mechanic, blood spill certified and special utility worker. Currently, he works as a primary maintenance mechanic. This means that Petitioner is on call 24/7 to fix maintenance problems within the institution. He is one of the most trusted inmates at his facility and is permitted openly within secured sections of the institution; (in court file).
12. Petitioner has many character references; (in court file, exhibits attached).
13. Petitioner has multiple inmate evaluations which are all excellent; (in court file, exhibits attached).
14. Petitioner has a home plan; (exhibits attached).
15. Petitioner has a work plan; (exhibits attached).

16. Petitioner has family and friends who are aware of Petitioner's PTSD caused by his childhood severe sexual abuse and are willing and ready to assist Petitioner with rebuilding himself and reentering into society; (in court file, exhibits attached).

Wherefore, Petitioner prays that this Honorable Court modify / reduce his sentence after hearing all concerned parties.

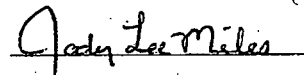
Request for Hearing

Petitioner requests that this Honorable Court grant Petitioner an open court hearing according to Md. Rule 4-345 (f) on modification upon motion.

Request for Counsel

Petitioner requests that this Honorable Court grant Petitioner the aid of legal representation at the open court hearing.

Respectfully submitted,



Jody Lee Miles, #272901  
North Branch Correctional Institution  
14100 McMullen Hwy, S.W.  
Cumberland, MD 21502

QUEEN ANNE'S COUNTY

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Certificate of Service

I HEREBY CERTIFY that an exact copy of the foregoing Motion for Modification was mailed postage prepaid to State's Attorney for Wicomico County at 309 E. Main Street, P.O. Box 1006, Salisbury, MD 21803 on 8-22-23.

