Maryland

Post-Conviction Case Activity & Victims' Rights

Post-Sentencing Review

After an individual has been convicted and sentenced, they may file motions in the trial court to challenge the judgment against them. For example, they may file:

- A motion for a new trial based on jury misconduct, new evidence, legal errors at trial, or other problems with the proceedings
- A motion to have the sentence reviewed by a three-judge panel
- A motion to modify the sentence
- A motion to withdraw a plea

Victims' Rights

Victims have the right to be treated with fairness, respect, and dignity. This right extends throughout all stages of the post-conviction process.

Victims have the right to be informed of their rights.

Victims have the right to be notified of court hearings upon request and if practicable.

Victims have the right to be present and heard at criminal justice proceedings upon request and if practicable.

Victims have a right to notification of any post-sentencing court proceeding if requested.

This product was supported by grant number 15POVC-23-GK-01412-NONF, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this product are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Direct Appeal

After the court decides on any post-trial motions (or if no post-trial motions are filed), the individual convicted of a crime may ask a higher court to review the trial court's or jury's decisions. This is called a "direct appeal." On appeal, the court does not admit new evidence or call witnesses. Instead, it reviews what happened at trial (called the trial record) and written briefs filed by both sides describing their positions.

If an individual convicted of a crime requests an appeal, they may ask the court to release them while the appeal is ongoing. The convicted individual is more likely to be released in misdemeanor cases than in felony cases.

The convicted person generally has 30 days after sentencing or ruling on a motion for a new trial (if one is filed) to decide whether to appeal. If the convicted person appeals, the Attorney General's Office assigns a lawyer to oppose the appeal for the state. The prosecutor & the convicted person's lawyer prepare written briefs for the judges, which generally takes several months. In some cases, the lawyers from both sides present oral arguments to the judges. Then, the judges prepare a written decision in the case. The appeal process takes roughly a year or more.

Victims' Rights

Victims who have completed a notification request have the right to notification of direct appeal proceedings including dates of hearings, postponements, and decisions of the appellate courts.

State Post-Conviction Proceedings

Post-conviction motions are requests to have the conviction or sentence reviewed that are filed after the direct appeal process has ended. These motions can seek many outcomes, but the following are the most common in Maryland:

- Uniform Postconviction Procedure Act: A convicted person may file a motion under this Act seeking relief from their conviction or sentence based on legal errors in the proceedings.

- Writ of actual innocence: If the convicted person went to trial (rather than entered a plea), they may seek relief from their conviction based on new evidence of their innocence.

- State habeas corpus: A convicted person may seek relief through a process called "habeas corpus." In Maryland, state habeas corpus relief is available only when the person has no other avenue to obtain post-conviction relief.

- Writ of error coram nobis: In these proceedings, an individual may raise claims based on proof outside the trial record, other than actual innocence. They may argue, for example, that their guilty plea was not knowing and voluntary.

- Motion to reduce sentence of minor convicted as adult: People who were convicted as adults for offenses committed when they were minors, were sentenced before October 1, 2021, and have been imprisoned for at least 20 years for that offense may seek to reduce their sentences.

Victims' Rights

If requested, victims have a right to notification of state post-conviction proceedings including dates of hearings, postponements, and decisions of the appellate courts.

DNA Testing

A person convicted of violent crimes may file a motion seeking DNA testing of evidence collected in the case.

The court will not automatically grant the requested testing. Instead, the court will allow testing only if it finds that there is a reasonable probability that the testing has the potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing.

If the court grants testing and the evidence supports the convicted person's claim, the court must grant appropriate relief. Often, the convicted person will seek to vacate their conviction, obtain a new trial, or other relief. If the court grants a motion for a new trial, the case starts over.

Victims' Rights

Victims have the right to request notice about DNA.

Federal Habeas Corpus

After seeking post-conviction relief in state court, a person convicted under Maryland law may seek habeas corpus relief in federal court. Relief is available only in specific and rare circumstances. Issues often raised in federal habeas cases include claims that the convicted person had an inept attorney, claims that police or prosecutors violated their rights, hid evidence, or committed other misconduct.

In general, a person can file only one request for relief in federal habeas proceedings, though there are some exceptions to this rule.

Victims' Rights

Except for narrow exceptions when victims are testifying, victims have the right to attend federal habeas hearings, arguments, and proceedings.

Victims have the right to be heard at any federal district court proceeding involving the release, sentencing, or parole of the individual convicted of a crime.

Victims have the right to proceedings free from unreasonable delay.

Early Release Programs

If someone is sentenced to a term of imprisonment, they may be released from prison earlier than expected through: parole, medical parole, geriatric parole, or earning reductions to their sentences for good behavior or completion of rehabilitative, educational, or other programs (usually called "diminution credits").

Victims' Rights

Victims have the right to notice of the custody status of the incarcerated person including escape and release.

Victims have the right to be heard at sentence review or modification hearings.

Victims have the right to notice, presence, and comment at parole hearings.

Prosecutorial Review

People convicted in certain parts of Maryland – including Montgomery County, Baltimore City, and Prince George's County – may ask the prosecutor's office to review their cases.

Most of these offices review past convictions only where a person presents a claim of actual innocence or wrongful conviction prompted by new proof of withheld evidence or state-suborned perjury. But Baltimore City also reviews past sentences in cases where the convicted person has a serious medical condition or is over 60 and has spent at least 25 years in prison.

Victims' Rights

Victims have the right to notification of any post-sentencing court proceeding including dates of hearings, postponements, and decisions of the appellate courts.

Clemency

The governor can grant clemency to people convicted under Maryland law. The Parole Commission assists the governor in this process. Clemency typically takes one of two forms:

1. Commutation: the reduction of a sentence to a less severe punishment
2. Pardon: an official act of forgiveness that frees a convicted person from punishment that erases the legal consequences of the crime

Victims' Rights

Victims have the right to notice of the convicted individual's consideration for commutation, pardon, or remission.

Compensation

Restitution is a court-ordered payment from the convicted person to the victim to account for the victim's loss or injury.

Crime victims' compensation helps with financial losses that directly result from violent crime. These losses include loss of wages, medical expenses, mental health counseling, as well as funeral and burial costs.

Victims' Rights

Victims have the right to seek restitution and apply for compensation from the Criminal Injuries Compensation Board. Applications must be filed within 4 years of the crime, with limited exceptions. Victims of child abuse may file a claim at any time.

The information provided in this resource is not intended as legal advice and is current as of September 2025. States regularly change how they handle criminal proceedings and victims' rights during those proceedings. Confirm with the state agencies provided in this resource for more up-to-date information. Different stages and victims' rights may apply to certain types of cases and certain types of victims, such as cases involving accused individuals who are minors and cases involving sexual offenses, domestic violence, and child victims.