

Mr. Charles P. Price, Warden, Baltimore City Jail (cont'd)

The Attorney General of Maryland has ruled on many occasions that magistrates cannot recall or amend commitments, and the proper procedure would be by appeal to the Criminal Court of Baltimore City.

It is believed that the intention of the Attorney General's opinion is to restrict a magistrate from reducing, recalling or amending an original sentence. Where it is clearly shown that the purpose of the amended commitment is only to correct a clerical error and not to change the sentence, it would seem that the dictates of fundamental justice would require that correction of the commitment be allowed.

This office has checked all of the papers pertaining to the case of Morris D. Poole, Jr., and is satisfied that there was an error in the preparation of the commitment and it did not truly represent the sentence imposed by the magistrate.

We are, therefore, of the opinion that the request of Magistrate Scherr may at this time be complied with by your Department.

We also suggest that the original commitment be retained by you along with Chief Magistrate Scherr's letter notifying you of the error and his true intention.

This opinion is given in answer to the questions raised under the circumstances of this particular case. We suggest, therefore, that future questions in connection with other cases be referred to this office for further consideration.

Very truly yours,

/s/ THOMAS N. BIDDISON  
City Solicitor

/s/ ROBERT C. HARRISON  
Assistant City Solicitor

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