

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 77

September Term, 2016

KEITH DARNELL WILSON

v.

STATE OF MARYLAND

Krauser, C.J.,
Graeff,
Nazarian,

JJ.

PER CURIAM

Filed: March 9, 2017

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In 2010, pursuant to a plea agreement with the State, Keith Darnell Wilson, appellant, pleaded guilty, in the Circuit Court for Washington County, to robbery with a dangerous weapon, first-degree assault, and use of a handgun in the commission of a felony or crime of violence, whereupon the State nol prossed the remaining thirty-six charges. The charges stemmed from a bank robbery committed by Wilson and a co-defendant; they ordered a bank employee to open the vault from which they stole money, and, at gunpoint, they ordered bank employees and bank customers around the bank. The court ultimately sentenced Wilson to a term of twenty years' imprisonment for armed robbery, to a consecutive term of twenty-five years' imprisonment for first-degree assault (all suspended), and to twenty years' imprisonment (the first five years without the possibility of parole) for the handgun offense, to run concurrent with the armed robbery sentence.

In 2016, in a motion to correct his sentence, Wilson asserted that his sentence for first-degree assault was illegal because it should have merged into his sentence for armed robbery for sentencing purposes. The State opposed the motion, noting that the named victims of the assault and armed robbery were different individuals. The circuit court denied the motion, prompting Wilson to appeal. We affirm.

Wilson maintains that the circuit court erred in denying his motion without a hearing and without “a subjective evaluation of the evidence.” He also asserts, as he did in the circuit court, that his sentence for first-degree assault should have merged with his sentence for armed robbery for sentencing purposes. Wilson is incorrect as to both claims.

The circuit court is not required to hold a hearing before denying a motion to correct an illegal sentence. Moreover, the record before the circuit court, including the indictment

and the transcript of the plea hearing, clearly indicate that Wilson pleaded guilty to the armed robbery of Lucenda Poffenberger and to the first-degree assault of Vanessa Barnhart. Because the victims of these crimes were different individuals, merger of armed robbery and first-degree assault for sentencing purposes was not required. *Williams v. State*, 187 Md. App. 470, 478 (where first-degree assault was committed against one victim and armed robbery against another victim, “they are separate and distinct” offenses and merger is not required), *cert. denied*, 411 Md. 602 (2009).

**JUDGMENT OF THE CIRCUIT
COURT FOR WASHINGTON
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**