Circuit Court for Caroline County
Case Nos. 05-K-12-009146 and 009155

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 25

September Term, 2022

JEREMY RYAN McGRADY

v.

STATE OF MARYLAND

Arthur,
Tang,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 2, 2022

*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.

Jeremy Ryan McGrady, appellant, contends that the Circuit Court for Caroline County erred in denying his "Motion to Correct Sentence." For the reasons that follow, we shall affirm the judgment of the circuit court.

We recount some of the pertinent facts from our previous opinion in Mr. McGrady's case:

> This case arises out of two separate incidents that occurred on June 30, 201[0]. . . . .
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> The first incident occurred early in the morning. [Mr. McGrady] arrived at the home he shared with Ms. Andrea Janvier, his wife. Upon [Mr. McGrady's] arrival, he and Ms. Janvier began arguing, and [Mr. McGrady] pushed and choked Ms. Janvier. [Mr. McGrady] attempted to drag Ms. Janvier out the back door of their apartment and push her into their van. As [Mr. McGrady] was forcing Ms. Janvier into the van, Ms. Janvier screamed and caught the attention of [a police officer named] Jackson. Upon hearing Ms. Janvier's screams, Officer Jackson ran to chase [Mr. McGrady], and [Mr. McGrady] fled.
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> The second incident occurred a few hours later. After the first incident, Ms. Janvier remained at the apartment. As she lay on the couch asleep, she heard [Mr. McGrady] kicking in the door. Upon entering the apartment, [Mr. McGrady] hit Ms. Janvier, took her into the kitchen, grabbed a knife, and held it to her throat. He threatened to kill both Ms. Janvier and their infant son. As Ms. Janvier resisted, [Mr. McGrady] took her into their bathroom, grabbed Comet and poured some into her mouth. Ms. Janvier choked on the powdery bathroom cleaner and spit it out of her mouth. [Mr. McGrady] then put the knife to her back and told Ms. Janvier to grab their son and get into their van.
>
> [Mr. McGrady] planned to drive Ms. Janvier and their son to Dover, Delaware. Along the way, they stopped in a Wal-Mart parking lot. After pleading with [Mr. McGrady] to allow her to buy some diapers, Ms. Janvier, carrying her son, went into the Wal-Mart. Once inside she went to the customer service center and asked a female employee to speak with her in the bathroom. Upon relating the day's events to the employee, the employee contacted loss prevention. Mr. Jeremy Montooth, head of security at the Wal-Mart, talked with Ms. Janvier in a room adjacent to the women's bathroom. While in the room, Ms. Janvier and Mr. Montooth heard [Mr.

> McGrady] call her name. They looked out of a peep hole in the door to the loss prevention room, and, upon seeing [Mr. McGrady], Ms. Janvier identified [Mr. McGrady] to Mr. Montooth as the man who had taken her. Mr. Montooth then had Ms. Janvier call the police.
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> * * *
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> [Following trial, the] court convicted [Mr. McGrady] of first degree assault, two counts of second degree assault, kidnap[p]ing, two counts of false imprisonment, reckless endangerment, and carrying a deadly or dangerous weapon openly with intent to injure. . . . .
>
> The court sentenced [Mr. McGrady] for the convictions stemming from the first incident as follows: for second degree assault, a term of incarceration of ten years and, for false imprisonment, a term of incarceration of twenty-five years. As to the convictions stemming from the second incident, the court sentenced [Mr. McGrady] as follows: for first degree assault, a term of incarceration of twenty-five years; for kidnapping, a term of incarceration of twenty-five years; and for carrying a dangerous weapon openly with intent to injure, a term of incarceration of three years, all sentences to be served concurrently.

McGrady v. State, No. 1657, September Term, 2012 (filed August 22, 2013), slip op. at 1-3, 7-8.

In January 2022, Mr. McGrady filed the "Motion to Correct Sentence," in which he contended that in 2010, he "entered into a Guilty Plea in the Superior Court for Kent County, Delaware, to 12 months for Unlawful Imprisonment, and 4 months for Resisting Arrest with Violence and Force" (quotations omitted), and was incarcerated in Delaware "from June 30, 2010 up-until-about December of 2011." Mr. McGrady requested that the circuit court award him twelve months' credit against his term of incarceration, on the ground that his conviction in Delaware of unlawful imprisonment "was the same offense" as his conviction of kidnapping. The court denied the motion.

Mr. McGrady contends that the court erred in denying the motion, because he "was actually charged, tried, convicted, and sentenced for the same offense" in two different states, and hence, "there is . . . a double jeopardy issue." We disagree. The Court of Appeals has long held that "[o]ffenses against separate sovereigns are separate offenses for double jeopardy purposes even if the successive prosecutions are based upon the same acts." *Bailey v. State*, 303 Md. 650, 660 (1985) (citations omitted). This doctrine, commonly known as the "dual sovereignty doctrine," *id.*, renders Mr. McGrady's conviction in Delaware of unlawful imprisonment and his conviction of kidnapping in the circuit court separate offenses for double jeopardy purposes, and hence, the court did not err in denying the motion to correct sentence.

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