UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0115

September Term, 2014

BRUCE DEWAYNE COATES

v.

STATE OF MARYLAND

Graeff,
Kehoe,
Alpert, Paul E.
(Retired, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: August 31, 2015

In 2001, after pleading guilty to four counts of second-degree rape, Bruce Dewayne Coates, appellant, was sentenced by the Circuit Court for Anne Arundel County to sixty years of imprisonment, with all but forty years suspended, to be followed by a five-year period of supervised probation. In 2014, he filed a motion to correct an illegal sentence, which the circuit court denied.

On appeal, appellant presents three questions for our review, which we have rephrased slightly, as follows:

1. Was the sentence imposed by the circuit court illegal because it violated the plea agreement as a reasonable lay person in appellant's position would have understood it?

2. Did the circuit court violate the terms of the plea agreement by requiring appellant to register as a sex offender as a condition of probation?

3. Was sexual offender registration as a condition of probation statutorily impermissible in this case?[1]

For the reasons set forth below, we answer each question in the negative, and accordingly, we shall affirm the judgment of the circuit court.

---

[1] Appellant phrased the "questions presented" as:

1. The sentence imposed by the circuit court was illegal because it violated the plea agreement as a reasonable lay person in Coates' position would have understood it.

2. The terms of the plea agreement were violated where the circuit court required that Coates register as a sex offender as a condition of probation.

3. Sex offender registration as a condition of probation was statutorily impermissible in this case.

FACTUAL AND PROCEDURAL BACKGROUND

In 2000, appellant was charged in four different cases with multiple sexual offenses involving young children. The sexual offenses were perpetrated in the 1990's and, at least in one case, as recently as July 1998 to August 2000.

On March 13, 2001, appellant appeared in court for a plea hearing. The prosecutor informed the court that, pursuant to a plea agreement, appellant would plead guilty to one count of second-degree rape in each of the four cases. The prosecutor then advised the court of the remaining terms of the plea agreement:

> [THE STATE]: I have indicated to defense counsel that **I will be recommending a sentence of 10 years in each case, each to run consecutive to each other - - that is 10 years actual incarceration - - for a total of 40 years. In addition, Your Honor, I will recommend an additional 10 years to be suspended, so that the Defendant can be placed on probation. So, a total of 50 years, 10 years suspended, 40 years actual incarceration.**
>
> While on probation, Your Honor, I will ask the Court to order that the Defendant have no contact whatsoever with minor children.
>
> **Defense counsel**, I understand they have some mitigation they would like to present, and **they are free to ask the Court for whatever sentence they feel is appropriate in this case**. On acceptance of the plea, at the time of sentencing, **the State would enter a nolle pros as to the remaining counts**.

(Emphasis added).

In an examination of appellant prior to accepting the plea, the court elicited that appellant was 29 years old and a high school graduate, that he was not under the influence

of alcohol, drugs, or any medication, and that he had reviewed the charges with his attorneys.

The examination continued:

> THE COURT: Do you understand for the crime of second degree rape that the maximum penalty that I can impose is 20 years incarceration?
>
> DEFENDANT: Yes, sir, yes.
>
> THE COURT: Knowing that, do you still want to enter a plea?
>
> DEFENDANT: Yes, I do.
>
> * * *
>
> THE COURT: So, **your total exposure, if you are convicted of each of these four counts, is 80 years incarceration**. Do you understand that?
>
> DEFENDANT: Eighty years?
>
> THE COURT: Well, **that is the worst that could happen to you**.
>
> DEFENDANT: Okay.
>
> THE COURT: **Do you understand that?**
>
> DEFENDANT: **Yes.**
>
> THE COURT: **Knowing that, do you still wish to enter this plea bargain?**
>
> (Pause.)
>
> THE COURT: Listen to what I am saying**. I am telling you that is the maximum sentence I could possibly impose, is 80 years** for the crime of second degree rape. Do you understand that?
>
> DEFENDANT: Yes.

> THE COURT: **Now, under the plea agreement, the State is recommending that your sentence be 50 years, and that you serve only 40 years**. Do you understand that?
>
> DEFENDANT: Yes.
>
> THE COURT: Either way you look at it, that is a lot of time.
>
> DEFENDANT: Yes, it is.
>
> THE COURT: All right. So, knowing that, do you still want to enter the guilty plea?
>
> (Pause.)
>
> THE COURT: I am not trying to talk you in or out of anything. I just want to make sure you know what you are doing, that is all.
>
> DEFENDANT: Yeah, I do.

(Emphasis added).

After completing its examination of appellant, the court stated that it was satisfied that he was entering the pleas knowingly and voluntarily. The prosecutor then presented a statement of facts in support of each plea, after which the court determined that there was a factual basis to support a finding that appellant was guilty of four counts of second-degree rape. Specifically, the court found that appellant "had vaginal intercourse with each of the victims named in these four cases, that the victims were under 14 years of age at the time of the act, and the Defendant was at least four years older than each of the victims."

Three months later, appellant returned to court for a sentencing hearing. In accordance with the plea agreement, the State recommended that the court impose a total

sentence of fifty years of incarceration, with all but forty years suspended, and a five-year period of probation upon release. The prosecutor then stated: "Of course, he should have no contact with any minor children, and would have to register, obviously, Your Honor, and give blood to the Maryland State Police DNA Bank." Defense counsel did not object to the State's sentencing recommendation or to the comments regarding appellant's obligation to register and provide a DNA sample. Defense counsel urged the court, however, to impose a more lenient sentence, i.e., forty years of incarceration, with all but twenty years suspended, with a recommendation for the Patuxent Institution (so that he could participate in treatment programs while in prison).

The court sentenced appellant to fifteen years of incarceration for each conviction – with the second sentence running consecutive to the first, the third sentence running consecutive to the second, and the fourth sentence running consecutive to the third – for a total term of sixty years of imprisonment. The court suspended all but forty years, and it imposed a five-year period of supervised probation upon release. When imposing probation, the court stated:

> During the probation, the Court will order the following: That you have no contact with any children under 18 years of age. Number two, that you are to give blood for DNA testing; **you are to register as a child sex offender**; and you are to enroll in sexual counseling, child sexual counseling, and any other counseling as directed by the Department of Parole and Probation.

(Emphasis added).

The defense did not object to the sentence imposed nor to the special conditions of probation. Appellant signed the Order of Probation, thereby signifying his understanding of and consent to the conditions of probation, which included registering as a child sex offender. In the "Additional Sentencing Information" section on the Commitment Record, also filed the same day as sentencing, was the statement: "Register as a child sex offender/child sexual offender counseling[,] no contact w/ children under 18 years."

Appellant did not file an application for leave to appeal. A three-judge panel, however, granted his motion for review of sentence to include a recommendation for the Patuxent Institution, but it denied his request to alter the length of his sentence. A subsequent motion for modification of his sentence was denied.

In 2009, appellant, proceeding *pro se*, filed a motion to correct an illegal sentence, asserting that, with regard to two of the four counts, the trial judge failed to give an "oral pronouncement of a verdict of guilty or not guilty." The circuit court denied the motion and following an appeal, this Court affirmed. *Coates v. State*, No, 1650, September Term, 2009 (filed Dec. 8, 2010) (unreported).

In February 2014, appellant, again *pro se*, filed a second motion to correct an illegal sentence, in which he challenged, for the first time, the legality of the length of the sentence imposed and the condition of probation requiring him to register as a sexual offender. The circuit court's denial of that motion prompted this appeal.

DISCUSSION

I.

Appellant contends that the sentence imposed in this case was illegal because it did not conform to the terms of the plea agreement. He maintains that a reasonable person in his position would have understood that he would receive a sentence of "no more than 50 years all suspended but 40 with probation" – not the sixty years, with all but forty years suspended, that was imposed. He asserts that, to the extent that the sentencing terms of the plea agreement were ambiguous, any ambiguity should be resolved in his favor.

The State disagrees. It contends that the trial court did not bind itself to a particular sentence, and therefore, "it properly imposed a sentence of 60 years with all but 40 years suspended, far less than the 80 years the court forewarned [appellant] he could receive." The State points out that, under the plea agreement, it had agreed to "recommend" a sentence of fifty years, with all but forty years suspended. And the court made clear to appellant, during its discussion before accepting his plea, that the statutory maximum sentence for second-degree rape was twenty years per count and appellant's "total exposure" was incarceration for eighty years. Accordingly, the State asserts that it would have been "objectively unreasonable" for a lay person in appellant's position to believe that the court was bound to impose the State's recommended sentence.

"Whether a trial court has violated the terms of a plea agreement is a question of law which we review *de novo*." *Solorzano v. State*, 397 Md. 661, 668 (2007). This Court applies

an objective standard to this analysis, construing "the terms of a plea agreement according to the reasonable understanding of the defendant when he pled guilty." *Id.*

When appellant entered his plea, Md. Rule 4-243 (2001 Repl. Vol.) provided in relevant part:

> (a) *Conditions for agreement.* **The defendant may enter into an agreement with the State's Attorney for a plea of guilty** or nolo contendere **on any proper condition, including one or more of the following**:
>
> (1) That the State's Attorney will amend the charging document to charge a specified offense or add a specified offense, or will file a new charging document;
>
> (2) That **the State's Attorney will enter a nolle prosequi** pursuant to Rule 4-247(a) or move to mark certain charges against the defendant stet on the docket pursuant to Rule 4-248(a);
>
> (3) That the State's Attorney will agree to the entry of a judgment of acquittal on certain charges pending against the defendant;
>
> (4) That the State will not charge the defendant with the commission of certain other offenses;
>
> (5) **That the State's Attorney will recommend**, not oppose, or make no comment to the court with respect to **a particular sentence**, disposition, or other judicial action;
>
> (6) That the parties will submit a plea agreement proposing a particular sentence, disposition, or other judicial action to a judge for consideration pursuant to section (c) of this Rule.
>
> (b) *Recommendations of State's Attorney on sentencing.* — **The recommendation of the State's Attorney with respect to a particular sentence, disposition, or other judicial action made pursuant to subsection (a) (5) of this Rule is not binding on the court. The court shall advise the defendant at or before the time the State's Attorney makes a recommendation that the court is not bound by the recommendation, that it may impose the maximum penalties provided by law for the offense to which the defendant pleads guilty**, and that imposition of a penalty more severe than the one recommended by the State's Attorney will not be grounds for withdrawal of the plea.

(Emphasis added).

Here, in exchange for appellant's plea of guilty to four counts of second-degree rape, the State agreed to "recommend" a particular sentence, and upon the court's acceptance of the pleas and sentencing for those offenses, it would nol pros the remaining charges. The defense was free to argue for whatever sentence it deemed appropriate. Thus, it is clear that the plea bargain in this case was made pursuant to Rule 4-243(a)(2), (5). The State's sentencing recommendation, therefore, was not binding on the court. Rule 4-243(b). And it was not presented to the court as a binding plea agreement. At no point did the prosecutor or defense counsel ask the court to agree to impose any particular sentence.

The question then becomes whether a reasonable person in appellant's position would have understood that the court was not bound by the State's recommendation and it could impose any sentence not exceeding the maximum penalties provided by law. Although it is clear from the plea hearing transcript that the court did not specifically inform appellant that it was "not bound" by the State's sentencing recommendation, as it was required to do so by Rule 4-243(b), we agree with appellee that the court conveyed that fact to appellant prior to accepting his plea, as illustrated by the following colloquy:

> THE COURT: Do you understand for the crime of second degree rape that the maximum penalty that I can impose is 20 year incarceration?
>
> DEFENDANT: Yes, sir, yes.
>
> THE COURT: Knowing that, do you still want to enter a plea?
>
> DEFENDANT: Yes, I do.

* * *

THE COURT: So, **your total exposure, if you are convicted of each of these four counts, is 80 years incarceration**. Do you understand that?

DEFENDANT: Eighty years?

THE COURT: Well, **that is the worst that could happen to you**.

DEFENDANT: Okay.

THE COURT: **Do you understand that?**

DEFENDANT: **Yes.**

THE COURT: Knowing that, do you still wish to enter this plea bargain?

(Pause.)

THE COURT: Listen to what I am saying**. I am telling you that is the maximum sentence I could possibly impose, is 80 years** for the crime of second degree rape. **Do you understand that?**

DEFENDANT: **Yes.**

(Emphasis added).

Thus, the court ensured that appellant understood that, by pleading guilty to four counts of second-degree rape, he could receive a sentence of up to eighty years of imprisonment. We reject as unreasonable appellant's assertion that the court "was merely advising [him] of the maximum penalty allowed by law" for these offenses. Rather, the court took the time to confirm that appellant understood that "the worst that could happen" to him was a maximum sentence of eighty years of incarceration. The colloquy then continued:

> THE COURT: **Now, under the plea agreement, the State is recommending that your sentence be 50 years, and that you serve only 40 years**. Do you understand that?
>
> DEFENDANT: Yes.
>
> THE COURT: **Either way you look at it, that is a lot of time**.
>
> DEFENDANT: Yes, it is.
>
> THE COURT: All right. So, **knowing that, do you still want to enter the guilty plea?**
>
> (Pause.)
>
> THE COURT: **I am not trying to talk you in or out of anything. I just want to make sure you know what you are doing, that is all.**
>
> DEFENDANT: **Yeah, I do.**

(Emphasis added).

The court again confirmed that appellant understood that he was facing "a lot of time," whether he was sentenced to the maximum term of imprisonment permitted by law or to the somewhat more lenient sentence that the State was "recommending." Under these circumstances, we hold that a lay person in appellant's position would reasonably have understood that the State's sentencing recommendation was just that – a recommendation – and the court was free to impose any sentence not exceeding eighty years of incarceration.[2]

[2] Because the plea agreement in this case was clearly non-binding upon the court, appellant's reliance on *Cuffley v. State*, 416 Md. 568 (2010) and *Baines v. State*, 416 Md. 604 (2010) is misplaced, as both of those cases involved a particular bargained-for sentence, (continued...)

In his reply brief, appellant also asserts (for the first time) that his guilty plea was invalid because the trial judge failed to inform him that, if the court imposed a sentence which exceeded the penalty recommended by the State, it would not be grounds for withdrawing the plea. *See* Md. Rule 4-243(b) (requiring that, before entering a guilty plea, the defendant be advised "that imposition of a penalty more severe than the one recommended by the State's Attorney will not be grounds for withdrawal of the plea").

As a factual matter, appellant is correct. The transcript does not indicate that appellant was so advised. The failure to do so, however, does not render his sentence illegal under Rule 4-345(a). A sentence is "illegal" for Rule 4-345(a) purposes where there was no conviction warranting any sentence, *Chaney v. State*, 397 Md. 460, 466 (2007), where the sentence imposed was not a permitted one, *id.*, or where the sentence imposed exceeded the sentence agreed upon as part of a binding plea agreement. *Matthews v. State*, 424 Md. 503, 514 (2012).

A procedural error during the sentencing proceeding, however, ordinarily is not "'cognizable under Rule 4-345(a) where the resulting sentence or sanction is itself lawful.'" *Montgomery v. State*, 405 Md. 67, 74-75 (2008) (quoting *Evans v. State*, 382 Md. 248, 279 (2004)). To be subject to correction by motion filed under Rule 4-345(a), the "illegality must inhere in the sentence, not in the judge's actions." *State v. Wilkins*, 393 Md. 269, 284 (2006).

[2](...continued)
one within the sentencing guidelines, that the trial court agreed to impose.

"[T]he focus," therefore, "is not on whether the judge's 'actions' are *per se* illegal but whether the sentence itself is illegal." *Id.*

As discussed above, the sentence imposed in this case did not violate the terms of the plea agreement nor exceed the maximum penalty permitted by statute. The sentence, therefore, was legal. Any error in failing to advise appellant that a sentence more severe than the one recommended by the State would not constitute grounds for withdrawing the plea is not grounds for relief in this appeal.

II.

Appellant next contends that the court violated the terms of the plea agreement by making registration as a sex offender a condition of his probation. He notes that "no mention was made" about sexual offender registration during the plea hearing, and therefore, he maintains that imposition of that condition exceeded the terms of the plea bargain. The State contends that, because appellant committed at least some of the offenses in 1999 and 2000, he was required "by operation of law" to register as a sex offender, and therefore, "the court's inclusion of the registration requirement as a condition of probation was not illegal."

When appellant was sentenced in June 2001, he was considered a "child sex offender" because his offenses involved children under the age of fifteen years. Md. Code (2000 Supp.) Art. 27, § 792(a)(2)(ii). As such, on or before his date of release from the Department of Corrections' custody, he was required by statute to register with the "supervising authority," in this instance, the Department of Public Safety & Correctional Services. Art.

27, § 792(a)(13)(i), (c). The law also required that, for the remainder of his life, he "register annually in person with a local law enforcement agency." Art. 27, § 792(d)(2), (5)(ii)(2).[3] Thus, registration was required as a consequence of appellant's conviction, regardless of any action by the court.

Moreover, it was very clear at the plea hearing that the State was seeking a sentence that would be suspended in part "so that the Defendant can be placed on probation." As we noted in *Lafontant v. State*, 197 Md. App. 217, 234, *cert. denied*, 419 Md. 647 (2011), "it is well understood that the terms and conditions of probation are largely within the trial court's discretion." *See* Md. Code (2014 Supp.) § 6-221 of the Criminal Procedure Article ("CP") ("the court may suspend the imposition or execution of sentence and place the defendant on probation on the conditions that the court considers proper") (formerly Art. 27, § 641A).

In *Lafontant*, we rejected the defendant's claim that the court breached the terms of his plea agreement by making restitution to the crime victim a condition of his probation, despite that the plea agreement was silent as to restitution. *Lafontant*, 197 Md. App. at 234. In addition to acknowledging a trial court's "broad discretion" in imposing conditions of probation it deems proper, we noted that restitution is "known to be a standard condition of probation," *id.* at 235, and the defendant "should reasonably have known that the court could

[3] The sexual offender registration laws have been significantly revised since appellant's conviction in 2001. *See* Md. Code (2014 Supp.) §§ 11-701 *et seq.* of the Criminal Procedure Article.

impose a period of probation, and that one of the conditions might be restitution, if requested by the victim." *Id.* at 236.

Here, given that appellant was pleading guilty to sex offenses involving young children, he reasonably should have known that a condition of his probation could include a requirement to register as a child sex offender – something he was mandated to do by statute. Accordingly, we hold that the trial court did not breach the sentencing terms of the plea agreement (and thereby render his sentence illegal) by making registration as a sex offender a special condition of his probation.

In his reply brief, appellant asserts an additional reason why the court erred in making sexual offender registration a condition of his probation. He notes that Rule 4-242(e)(2) provides that, before accepting a guilty plea, the defendant shall be advised on the record that "by entering a plea to the offenses set out in Code, [CP] § 11-701, the defendant shall have to register with the defendant's supervising authority" – in other words, that he or she will have to register as a sex offender if pleading guilty to certain sexual offenses. This specific provision, however, was added to Rule 4-242 by order dated December 4, 2007, effective January 1, 2008. When appellant entered his plea in 2001, the Rule provided as follows:

> *Collateral Consequences of a Plea of Guilty or Nolo Contendere*. Before the court accepts a plea of guilty or nolo contendere, the court, the State's Attorney, the attorney for the defendant, or any combination thereof shall advise the defendant (1) that by entering the plea, if the defendant is not a United States citizen, the defendant may face additional consequences of deportation, detention, or ineligibility for citizenship and (2) that the defendant should consult with defense counsel if the defendant is represented and needs

> additional information concerning the potential consequences of the plea. **The omission of advice concerning the collateral consequences of a plea does not itself mandate that the plea be declared invalid.**

Md. Rule 4-242 (2001 Repl. Vol.) (emphasis added).

Thus, when appellant entered his guilty plea in 2001, the Rule did not require that he be advised of mandatory sexual offender registration requirements. Moreover, the Rule – both then and now – provides that the omission of advice regarding collateral consequences of a plea "does not itself mandate that the plea be declared invalid." In short, his plea was not invalid, nor the sentence imposed illegal, due to the failure to advise appellant on the record of the plea hearing that he would have to register as a sex offender. *See Tshiwala v. State*, 424 Md. 612, 620 (2012) ("[A] sentence does not become illegal 'because of some arguable procedural flaw.'") (quoting *Wilkins*, 393 Md. at 273).

Finally, in his reply brief appellant urges this Court to "adopt Judge Harrell's concurrence" in *Doe v. Department of Public Safety and Correctional Services*, 430 Md. 535 (2013). Because *Doe* is factually distinguishable, we decline to do so.

In *Doe*, the petitioner pleaded guilty to, and was convicted of, child sexual abuse in 2006 for an incident that occurred during the 1983-84 school year. *Id.* at 538. The plea was entered pursuant to a binding plea agreement that did not address registration as a sex offender. *Id.* at 539. At the time of the plea, the sex offender registration law did not apply to Doe. *Id.* at 540, 546.

In 2009 and 2010, after Doe had served his term of imprisonment, the Maryland General Assembly amended the sex offender registration statute and retroactively required certain child sex offenders, who had not previously been required to register, to comply with the registration requirements. *Id.* at 540-41, 545-46. Under the new law, Doe was required to register for his lifetime, and at the direction of his probation agent, he did so. *Id.* at 540-41. Doe, however, filed a complaint seeking a declaration that he not be required to register, and he requested that his name be removed from the registry. *Id.* at 541. The Circuit Court for Washington County denied relief. *Id.* at 542. In an unreported opinion, we affirmed. *Id.*

The Court of Appeals granted Doe's petition for a writ of certiorari to consider several issues, including: (1) whether 2009 and 2010 amendments to the sex offender registration statute, because of their retroactive application, violated the constitutional ban on *ex post facto* laws; and (2) whether Doe was entitled to specific performance of the plea agreement given that the agreement did not, and could not, have contemplated registration as a sex offender. *Id.* at 542-43.

A plurality of the Court of Appeals agreed with Doe that requiring him to register as a child sex offender under the 2009 and 2010 amendments to the sex offender registration statute enacted in 1995, for a crime committed in 1984-85, violated the prohibition against *ex post facto* laws contained in Article 17 of the Maryland Declaration of Rights. *Id.* at 537. Having so held, the plurality did not address whether registration violated the plea agreement.

Judge Harrell, in a concurring opinion, stated that he would grant Doe relief, but he disagreed with the reasoning and conclusion of the plurality's opinion. *Id.* at 569. In Judge Harrell's view, because Doe's plea agreement did not address sex offender registration, and because a subsequently enacted statute requiring retroactive application of the sex offender registration law could not have been anticipated when Doe pleaded guilty, "a reasonable person in Doe's position likely would understand that registering as a sex offender was not a part of the agreement." *Id.* at 576. Accordingly, Judge Harrell would have reversed the judgment and ordered "further proceedings required to enforce specifically Doe's plea agreement" without "him having to register as a sex offender" for a crime he committed before the registration statute was enacted. *Id.* at 577.

Here, however, when appellant entered his guilty plea, he was subject to the sex offender registration laws then in effect. Thus, unlike in *Doe*, a reasonable person in appellant's position would have understood that registering as a sex offender was a consequence of pleading guilty to sex offenses involving young children.

III.

Appellant's final claim is that "sex offender registration as a condition for probation was statutorily impermissible in this case" because the lifetime registration requirement will exceed the five-year term of his probation. The State responds that the condition of probation will not extend the term of appellant's probation beyond five years because sex

offender registration is monitored by the relevant "supervising authority" and not by the Department of Parole and Probation.

As discussed above, registering as a sex offender is a requirement mandated by statute, and it often is imposed as a condition of probation. Indeed, the pre-printed "Probation/Supervision Order" form used by the trial courts (form CC-DC 26) provides a list of standard and special conditions of probation that the court may impose, including condition number 31: "Register as sexual offender with the supervising authority under the provisions of Criminal Procedure Article, Title 11, Subtitle 7." *See* Probation/Supervision Order, form CC-DC 26 (Rev. 6/2011), *available at* http://perma.cc/37NS-RYZA.

If a probationer fails to register during the probationary term, the court could terminate probation and order the individual to serve his or her previously suspended sentence – a permissible consequence for the violation of any condition of probation.[4] Once the probationary period has expired, however, the court would have no authority, under the order of probation, to enforce compliance with the registration laws. A person who violates the sex offender registration laws, however, may be charged (regardless of any order of probation) and upon conviction for a first offense is subject "imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both." CP § 11-721(b). In short, making sex

[4] We also note that, even if sex offender registration was not a special condition of his probation, the court could nonetheless terminate appellant's probation (and order the execution of any suspended time) if he failed to comply with the registration laws while on probation because a condition of probation was that he "obey all laws."

offender registration a condition of appellant's probation did not impermissibly extend his probationary term beyond five years.

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