

Circuit Court for Howard County
Case Nos.: 13-K-08-048264-67

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

Nos. 455, 462, 463, 464

September Term, 2021

TODD KENNETH WOODY

v.

STATE OF MARYLAND

Fader, C.J.,
Leahy,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 29, 2021

*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 2008, in the Circuit Court for Howard County, four indictments were filed in separate cases charging appellant Todd Kenneth Woody with first-degree burglary and related offenses (Case Nos. 13-K-08-048264, 65, and 66) and with theft over \$500 and related offenses (Case No. 13-K-08-048267). The burglaries involved the breaking and entering of three homes on February 26, 2008, and the theft was of an automobile stolen on February 25, 2008. In open court on September 16, 2008, the court granted a joint motion to consolidate the cases for trial. In granting the motion, the court stated that “the matters are joint for trial,” and “[f]or record keeping purpose the primary case number will be 13-K-08-048267 although of course each case rises and falls on its own merits.” The court then asked Mr. Woody to enter his “formal plea” and in doing so, stated: “You’ve been charged in four separate indictments, do you understand that sir?” Mr. Woody replied: “Yes, sir.” When the court inquired whether he was pleading “not guilty as to each of the four indictments,” Mr. Woody answered, “Yes, sir.”

Following a jury trial, Mr. Woody was convicted of three counts of first-degree burglary, theft over \$500, and other offenses. The court sentenced him to a total term of 75 years’ incarceration: consecutively run terms of 20 years’ imprisonment for each burglary conviction and a consecutively run term of 15 years for the felony theft. The court merged the remaining convictions for sentencing purposes. On direct appeal, Mr. Woody challenged the trial court’s ruling regarding a cross-examination issue. This Court affirmed the judgments. *Woody v. State*, No. 2169, September Term, 2008 (Md. App. October 12, 2010).

In March 2021, Mr. Woody, representing himself, filed a Rule 4-345(a) motion to correct an illegal sentence in each of the four cases. He related that he had “stood trial on September 16, 2008 on four separate indictments” and on that date the court approved a joint motion “to have all four indictments consolidated . . . and the indictment number that the State chose was 13-K-08-48267[.]” He further asserted that at sentencing, the trial court “chose to un-consolidate all four case[s] and sentence the defendant to four separate case[s],” which he maintained was error. He claimed that he should have been sentenced only under case no. 13-K-08-48267 “and that would be 15 years[.]” The circuit court denied all four motions. Mr. Woody filed notices of appeal, and this Court subsequently consolidated the appeals.

On appeal, Mr. Woody insists that the trial court’s “decision to strike the order of consolidation and issue a sentence on each individual indictment was not legally correct[.]” The State responds that Mr. Wood “is simply wrong.” We agree with the State. Mr. Woody mischaracterizes the nature of the consolidation. The cases were consolidated for trial purposes only. The charges under each indictment were not consolidated, and the jury returned verdicts under each indictment. Hence, he was properly sentenced for the convictions he incurred under each of the indictments.

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