

Circuit Court for Baltimore City  
Case Nos. 111136011, 111136012

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 632

September Term, 2023

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LAWRENCE TROGDON

v.

STATE OF MARYLAND

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Wells, C.J.,  
Zic,  
Wright, Alexander, Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: November 6, 2023

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Lawrence Trogdon, appellant, appeals from an order issued by the Circuit Court for Baltimore City denying his motion requesting credit for time served while in custody. For the reasons that follow, we shall affirm.

In 2012, appellant was convicted of first-degree assault and other related offenses in Case Nos. 111136011-12. The court imposed an aggregate sentence of 25 years' imprisonment, with all but 7 years suspended. Appellant was subsequently arrested on federal drug charges on February 22, 2017. He ultimately pleaded guilty to Conspiracy to Distribute and Possession with Intent to Distribute Controlled Substances in the federal case on March 13, 2018, and was sentenced to 33 months' imprisonment, followed by 3 years of supervised release, "with credit for time served in Federal custody since February 22, 2017."

On March 26, 2018, a VOP warrant was issued in Case Nos. 111136011-12 based on appellant's federal conviction. The warrant was served on appellant at the Federal Correctional Institute in Cumberland, where he was serving his federal sentence, on June 15, 2018. A VOP hearing on both Maryland cases was held on October 25, 2018, at which time the court imposed a sentence of 10 years' imprisonment on each case, to run concurrently. The court ordered those sentences to begin on June 15, 2018, the date appellant had been served with the VOP warrants.

In 2023, appellant filed a petition for credit for time spent in custody, claiming that he was entitled to credit on the Maryland charges starting on February 22, 2017, the date that he was arrested on the federal charges which ultimately led to the VOP. The court

denied the motion without a hearing, finding that “the Circuit Court warrant was returned on June 15, 2018, and the Defendant received credit from that date.” This appeal followed.

On appeal, appellant contends that he was entitled to credit against his Maryland sentences for the 479 days he spent in custody between February 22, 2017, and June 15, 2018. We disagree. Appellant’s claim is governed by Section 6-218(b) of the Criminal Procedure article, which provides:

(b)(1) A defendant who is convicted and sentenced shall receive credit against and a reduction of the term of a definite or life sentence, or the minimum and maximum terms of an indeterminate sentence, for all time spent in the custody of a correctional facility, hospital, facility for persons with mental disorders, or other unit because of:

- (i) the charge for which the sentence is imposed; or
- (ii) the conduct on which the charge is based.

(2) If a defendant is in custody because of a charge that results in a dismissal or acquittal, the time that would have been credited if a sentence had been imposed shall be credited against any sentence that is based on a charge for which a warrant or commitment was filed during that custody.

(3) In a case other than a case described in paragraph (2) of this subsection, the sentencing court may apply credit against a sentence for time spent in custody for another charge or crime.

Because appellant was arrested on the federal charges on February 22, 2017, and he was not served with the VOP warrant until June 15, 2018, he was not incarcerated “because of” the Maryland charges during that time. *See Lawson v. State*, 187 Md. App. 101 (2009) (holding that a defendant was not entitled to credit against his sentence for possession of a cellular phone in his prison cell, where he was already incarcerated on another offense and thus would have spent the entire time in custody regardless of whether he had been charged

with the cell phone offense). Therefore, he was not entitled to credit for any of that time pursuant to Section 6-218(b)(1). Moreover, the federal charges did not result in a dismissal or acquittal. Rather, he pleaded guilty, was sentenced to 33 months' imprisonment, and was awarded credit for that sentence starting February 22, 2017. Therefore, Section 6-218(b)(2) also does not apply.<sup>1</sup> Finally, appellant does not contend on appeal that the court abused its discretion in not awarding him discretionary credit pursuant to Section 6-218(b)(3). Consequently, the court did not err in denying appellant's motion requesting credit for time served while in custody.

**JUDGMENT OF THE CIRCUIT  
COURT FOR BALTIMORE CITY  
AFFIRMED. COSTS TO BE PAID  
BY APPELLANT.**

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<sup>1</sup> For the same reason, appellant did not have any "dead time," as he claims on appeal, because the entire period between February 22, 2017, and June 15, 2018, was credited towards his federal sentence.