

Circuit Court for Baltimore County
Case No. 03-K-93-004171

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 651

September Term, 2023

STEVEN B. JACKSON

v.

STATE OF MARYLAND

Nazarian,
Reed,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 1, 2024

*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.

Steven B. Jackson, appellant, contends that the Circuit Court for Baltimore County erred in denying his “Motion to Correct Commitment Record.” For the reasons that follow, we shall affirm the judgment of the circuit court.

In 1994, [Mr.] Jackson entered an *Alford* plea to second-degree rape and was sentenced to a term of twenty years of incarceration, all but four years suspended, to be followed by a five-year term of supervised probation. . . . The court subsequently twice modified [Mr.] Jackson’s sentence, reducing the amount of active time to be served. While on probation in 1999, [Mr.] Jackson was charged with and later convicted of two counts of second-degree rape in the Circuit Court for Anne Arundel County. Following a violation of probation hearing in this case, the court revoked his probation and ordered him to serve eighteen years of his previously suspended sentence.

Jackson v. State, No. 2202, Sept. Term, 2016 (filed February 7, 2018), slip op. at 1 (footnote omitted).

On November 20, 2006, Mr. Jackson filed a “Motion to Correct Sentence,” in which he requested that the court

correct its sentence as follows:

Fifteen (15) years, one (1) month, twenty-two (22) days concurrent with the forty (40) year sentence imposed in Anne Arundel County Circuit Court Case No. K-1998-01934 with credit for the 42 days served directly prior to the conviction and sentence in the above captioned case, for violation for probation.

On April 5, 2007, the court held a hearing on the motion. Following the hearing, the court granted the motion. The “court clerk’s work sheet” for the hearing contains the notation: “Sentence previously given reduced by 2 yrs.” The court subsequently “issued an amended commitment record reflecting a sentence of sixteen years, to run ‘concurrent with any other outstanding or unserved sentence and begin on 01/10/99.’” *Jackson* at 1.

On July 19, 2016, Mr. Jackson “filed a motion to correct an illegal sentence in which he asserted that his sentence was illegal because, when it was imposed in 1994, it included [a] \$5,000 fine – a penalty for second-degree rape that was not authorized by statute.” *Jackson* at 2. “The court . . . summarily denied [the] motion[.]” *Id.* Mr. Jackson appealed from the judgment on several grounds. *Id.* We held that the motion “should have been dismissed as moot,” because the “sentence expired on or about January 10, 2015[.]” *Jackson* at 2-3 (footnote omitted).

On January 19, 2023, Mr. Jackson filed the motion to correct commitment record, in which he contended that at the April 5, 2007 hearing, he “was re-sentenced,” that the “original sentence was vacated on that date,” that the “sentencing date was then recorded as April 5, 2007,” and that “the Baltimore County Circuit Court Criminal Clerk’s Office erroneously entered the re-sentencing on April 5, 2007 as a Modification of Sentence rather than a new sentence.” Mr. Jackson contended that “as the result of the Clerk’s Office error, [his] mandatory term of incarceration was significantly increased such that he has now served nearly twenty-four years in the Division of Correction and would most likely have been released on parole but for the Clerk’s Office error.” Following a hearing, the court denied the motion. The court subsequently issued a written order in which it stated: “This Court rules that the matter before the court concerns jurisdiction, and does not involve correction of a sentence which might involve resentencing. This Court does not have the authority to issue a clarification or directive for the [Division of Corrections] Commitment Office to change its calculation of time for the two sentences [Mr. Jackson] is now serving.”

Mr. Jackson now contends that, for numerous reasons, the court erred in denying the motion. We disagree for two reasons. First, as we concluded in our previous opinion in this matter, Mr. Jackson’s sentence expired on or about January 10, 2015, and he does not cite any authority that gives the commitment record reflecting that sentence any further legal effect. Second, Mr. Jackson does not cite any authority that renders the hearing held on April 5, 2007 a “re-sentencing,” or specify any evidence that the court intended following that hearing to vacate the preceding sentence and impose a new sentence. On the contrary, the court clerk’s work sheet from the hearing indicates that the court simply reduced Mr. Jackson’s existing sentence by two years. Hence, the court did not err in denying the motion to correct commitment record.

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