

Circuit Court for Baltimore City
Case No: 191350019

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 735

September Term, 2019

RALPH STEELE

v.

STATE OF MARYLAND

Berger,
Leahy,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 16, 2020

*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 2019, Ralph Steele filed a motion to correct an illegal sentence in the Circuit Court for Baltimore City in which he challenged his life sentence for felony murder. He appeals the circuit court’s denial of that motion. We shall affirm the judgment because his sentence is legal and his contentions have previously been addressed by this Court.

In 1992, a jury found Mr. Steele guilty of felony murder and the court sentenced him to life imprisonment. Upon direct appeal, Mr. Steele argued that “the evidence was not legally sufficient to prove either the underlying felony of burglary or the underlying felony of robbery.” This Court rejected that contention and affirmed the conviction. *Steele v. State*, No. 912, September Term, 1992 (filed June 8, 1993), *cert. denied*, 332 Md. 454 (1993). His numerous requests for relief post-conviction, which we need not enumerate here, have been largely unsuccessful.

In 2017, Mr. Steele filed a motion to correction an illegal sentence under Rule 4-345(a), in which he claimed that “the trial court did not have jurisdiction to convict and sentence” him for felony murder because he claimed that the court had granted judgments of acquittal on “all the underlying felonies.” The circuit court denied the motion and upon appeal, this Court affirmed the judgment. *Steele v. State*, No. 735, September Term, 2017 (filed June 8, 2018). In our opinion we noted that the trial court record did not support his claim that the court had acquitted him of any underlying felony and, in fact, based on the record before us it was “clear that the trial court did not grant the motion for judgment of acquittal.” *Slip op.* at 2.

In 2019, Mr. Steele filed yet another Rule 4-345(a) motion in which he asserted that his sentence was inherently illegal because the “trial court’s imposition of a life sentence

for first-degree felony murder was a product of procedural irregularity and ought not have been done[.]” The “irregularity” occurred, he claimed, when the trial court “submitted to the jury first degree felony murder” even though it had previously “decided to grant an acquittal on all underlying felonies (i.e. burglary, attempted arm[ed] robbery).” He maintained that the trial court’s actions violated his constitutional rights, including “double jeopardy guarantees.” The circuit court denied relief, finding that “the trial court did not grant judgment of acquittal” in Mr. Steele’s case. The circuit court also noted that the issue raised by Mr. Steele had been “addressed on multiple occasions and through different types of motions and petitions, including appellate review, post-conviction proceedings, new trial motions, and habeas corpus proceedings.” The court further stated that, “[n]o matter how [he] recycles the complaint, the fact remains that the legality of [his] sentence has been upheld by the appellate courts of the State[.]” and “he has submitted nothing in the newest incarnation of his argument that would yield a different result.” *Order of the Circuit Court for Baltimore City filed on April 17, 2019*. Mr. Steele appeals that ruling.

Before this Court, Mr. Steele continues to insist that the trial court had granted acquittals of the underlying felonies and, therefore, his conviction for felony murder and the sentence for that offense are illegal. The State asserts that Mr. Steele’s claim is barred by the law of the case doctrine because this Court addressed it in our 2018 opinion in *Steele v. State*, No. 735, September Term, 2017. The State further cites *Nichols v. State*, 461 Md. 572, 593 (2018) for the proposition that, although an illegal sentence may be corrected at any time pursuant to Rule 4-345(a), the Rule “does not allow a defendant to re-raise an old issue as to a sentence’s legality.” We agree with the State and perceive no error in the

circuit court’s decision. In short, Mr. Steele’s claim rises and falls on his assertion that the trial court acquitted him of the underlying felonies, an issue that is barred by the law of the case and one we shall not revisit.

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