

Circuit Court for Baltimore County  
Case No. 03-K-18-000312

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 859

September Term, 2019

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DUSTIN JAMES WALKER

v.

STATE OF MARYLAND

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

JJ.

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PER CURIAM

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Filed: June 9, 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.

Following a jury trial in the Circuit Court for Baltimore County, Dustin James Walker, appellant, was convicted of two counts of armed robbery. On appeal, Mr. Walker contends that the sentence imposed by the court was excessive and therefore, that the case should be remanded for resentencing. For the reasons that follow, we shall affirm.

Mr. Walker was convicted of robbing two acquaintances with a shotgun to obtain money for drugs. At sentencing, the State proffered that Mr. Walker was an admitted gang member with prior convictions for second-degree burglary, distribution of controlled substances, theft, unauthorized removal of property, and unlawful taking of a motor vehicle. He also had been adjudicated delinquent of first-degree burglary on two separate occasions when he was a juvenile. Moreover, he had numerous probation and parole violations and was on ankle monitoring when he committed the robberies. Consequently, the State asked the court to impose consecutive sentences of 20 years' imprisonment.

In mitigation, defense counsel asserted that Mr. Walker had “freely admitted” his guilt, that he had been a drug addict since he was 14 years' old, that he had only joined a gang for his own protection, and that he did not have a history of committing violent offenses. Defense counsel thus requested the court to impose consecutive sentences of 18 months' imprisonment to allow Mr. Walker to complete the “RSAT Program at the Baltimore County Detention Center.” The court ultimately imposed concurrent sentences of 20 years' imprisonment, noting that it believed Mr. Walker was a “danger to the community” with a “major criminal record” who would do anything to obtain drugs including robbing his own friends with a shotgun.

Mr. Walker acknowledges that we generally only review a court’s sentencing judgment on three recognized grounds: “(1) whether the sentence constitutes cruel and unusual punishment or violates other constitutional requirements; (2) whether the sentencing judge was motivated by ill will, prejudice or other impermissible considerations; and (3) whether the sentence is within statutory limits.” *See Triggs v. State*, 382 Md. 27, 39 (2004). However, he raises none of these grounds on appeal. Rather, he only asserts that “under all the circumstances, the defense request to impose a total of 36 months imprisonment . . . was fair and reasonable [and that] the 20-year sentence imposed in this case was excessive.” Mr. Walker’s sentence was within statutory limits and, therefore, legal. Moreover, the crimes were serious, and Mr. Walker had a lengthy prior record, which included several failed attempts at probation and parole. Consequently, we are not persuaded that the sentences imposed by the court were unfair or excessive.

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