

Circuit Court for Baltimore City
Case No. 24-H-22-000579

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 986

September Term, 2022

TROY MAZYCK

v.

LAURA ARMSTEAD

Friedman,
Albright,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 3, 2023

*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*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.

Troy Mazyck, appellant, appeals from the denial, by the Circuit Court for Baltimore City, of a petition for writ of habeas corpus. For the reasons that follow, we shall affirm the judgment of the circuit court.

On December 18, 1991, Mr. Mazyck pleaded guilty to second degree murder. The court subsequently sentenced Mr. Mazyck to a term of imprisonment of thirty years, all but fifteen years suspended, to commence on July 3, 1991, and to be followed by a period of probation of three years. In January 2006, Mr. Mazyck was released. Mr. Mazyck was subsequently charged with violating the terms of his probation in September-October 2008. On December 6, 2010, the court found that Mr. Mazyck violated the terms of his probation, and imposed a term of imprisonment of fifteen years, to be served consecutive to all outstanding and unserved Maryland sentences.

On May 5, 2022, Mr. Mazyck filed in the Circuit Court for Howard County a petition for writ of habeas corpus, which the court subsequently transferred to the Circuit Court for Baltimore City. In the petition, Mr. Mazyck alleged that he was illegally confined because his “30yr sentence . . . expired . . . on” July 3, 2021. The court denied the petition.

Mr. Mazyck now summarily contends that the sentence imposed by the court for violation of probation “violated [the] binding plea agreement of a 30yr concurrent split sentence.” It is unclear whether Mr. Mazyck challenges the suspension of his total term of imprisonment following his January 2006 release, or the December 2010 order that the sentence for violation of probation be served consecutive to all outstanding and unserved Maryland sentences. If Mr. Mazyck challenges the suspension of his total term of imprisonment following his January 2006 release, he does not cite any authority that

allowed the total term of imprisonment of thirty years to continue to run following that release. On the contrary, former Art. 27, § 641A(a), *recodified as* Md. Code (2001), § 6-222(a) of the Criminal Procedure Article, explicitly authorized the court to “impose a sentence for a specified period and provide that a lesser period be served in confinement, suspend the remainder of the sentence[,] and grant probation for a period . . . not in excess of 5 years.” If Mr. Mazyck challenges the December 2010 order that the sentence for violation of probation be served consecutive to all outstanding and unserved Maryland sentences, we have long held that when a judge “revoke[s] a defendant’s] probation and thereby revoke[s] the suspension of the execution of the earlier imposed sentence of incarceration,” the judge has “the unfettered prerogative to make that reinstated sentence of incarceration either concurrent with or consecutive to” a previously imposed term of imprisonment. *DiPietranonio v. State*, 61 Md. App. 528, 535 (1985). Hence, the court did not err in denying Mr. Mazyck’s petition.

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