Circuit Court for Baltimore County
Case No. 03-K-94-002962

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 990

September Term, 2017

JEFFREY M. YOUNG-BEY

v.

STATE OF MARYLAND

Woodward C.J.,
Fader,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 31, 2018

On July 31, 1997, appellant, Jeffrey M. Young-Bey, was convicted by a jury sitting in the Circuit Court for Baltimore County of attempted first-degree rape, false imprisonment, and other related offenses. On September 4, 1997, the court sentenced him to twenty-five years of imprisonment for attempted first-degree rape, a concurrent twenty-five years of imprisonment for first-degree sexual offense, and a consecutive ten years for false imprisonment. This Court affirmed the judgments. *Jeffrey Young-Bey v. Maryland*, No. 1286, Sept. Term 1997 (filed July 21, 1999).

On January 30, 2017, appellant filed a motion to correct an illegal sentence, which was dismissed by the circuit court. Appellant appeals and argues that "under the required evidence test, [his] false imprisonment conviction and sentence merged with his conviction and sentence for attempted first-degree rape, etc." We disagree and affirm the judgment of the circuit court.

BACKGROUND

In our 1997 opinion, we summarized the State's evidence at trial as follows:

> Although appellant testified that the victim's version was untrue, the State's evidence was sufficient to persuade the jurors that on the occasion at issue appellant dragged the victim from an automobile into a motel, forced her to remain in the room against her will, and used a dangerous weapon in an attempt to commit the other offenses with which he was ultimately charged.

Upon direct appeal, appellant argued that "the ten-year sentence the court imposed for false imprisonment must be vacated." We rejected that claim, stating:

> In this case, the victim was detained for several hours longer than what would be necessary to commit the crimes that appellant was attempting to commit, and the location at which the victim was detained subjected her to significant danger additional to the danger associated with the sex offenses. Under *Paz*

> *v. State*, 125 Md. App. 729, 739-41 (1999), the evidence was sufficient to justify a consecutive sentence for false imprisonment.

DISCUSSION

In this appeal, appellant argues that "there was ambiguous evidence upon which the trial/sentencing Court could rely to find that the false imprisonment of the victim (Monroe-Bey), **was as likely as not** incidental to the attempted first-degree rape[.]" (Emphasis in original.) He argues that, because of that alleged ambiguity, the court should merge his false imprisonment conviction into his attempted first-degree rape conviction. We hold that appellant's claim is barred by the "law of the case" doctrine.

In *Grandison v. State*, we explained the law of the case doctrine as follows:

> Under the law of the case doctrine, "once an appellate court rules upon a question presented on appeal, litigants and lower courts become bound by the ruling, which is considered to be the law of the case." *Scott v. State*, 379 Md. 170, 183, 840 A.2d 715 (2004). Moreover, "'[d]ecisions rendered by a prior appellate panel will generally govern the second appeal' at the same appellate level as well, unless the previous decision is incorrect because it is out of keeping with controlling principles announced by a higher court and following the decision would result in manifest injustice." *Id.* at 184, 840 A.2d 715 (quoting *Hawes v. Liberty Homes*, 100 Md. App. 222, 231, 640 A.2d 743 (1994)). And, more recently, in *Holloway v. State*, 232 Md. App. 272, 282, 157 A.3d 356 (2017), we observed that the law of the case doctrine applies, not only to a claim that was actually decided in a prior appeal, but also to any claim "that could have been raised and decided." Furthermore, the Court of Appeals has expressly rejected the notion that "the doctrine of law of the case [is] inapplicable to motions to correct an illegal sentence." *Scott*, 379 Md. at 183, 840 A.2d 715.

234 Md. App. 564, 580 (2017).

As appellant previously appealed the trial court's failure to merge his false imprisonment conviction with his attempted first-degree rape conviction, he is bound by this Court's previous ruling.

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