

Circuit Court for Anne Arundel County
Case No. 02-K-98-001934

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1237

September Term, 2017

STEVEN B. JACKSON

v.

STATE OF MARYLAND

Woodward, C.J.,
Leahy,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 9, 2018

*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.

Stephen Blair Jackson, appellant, appeals from an order issued by the Circuit Court for Anne Arundel County denying his motion to amend the commitment record in his criminal case. For the reasons that follow, we affirm.

In 1993, Jackson was convicted of rape in Baltimore County and sentenced to twenty years' incarceration, all but four years suspended, with five years of supervised probation upon release. Jackson was released from custody in 1995; however, the balance of his unserved time was re-imposed after he was convicted of two counts of second-degree rape in Anne Arundel County in 1999. In the Anne Arundel County case, the court sentenced Jackson to two consecutive terms of twenty years' incarceration and ordered the sentence to run consecutive to the sentence that had been imposed in the Baltimore County rape case. Jackson's convictions in the Anne Arundel County rape cases were affirmed by this Court on direct appeal. *See Jackson v. State*, 132 Md. App. 467 (2000).

In March 2008, Jackson filed a "motion for appropriate relief" in the circuit court for Anne Arundel County requesting the court to amend the docket entries and commitment order to award him credit for the seventy-eight days he spent in custody between May 8, 1999, the date he was convicted and had his bond revoked, and August 4, 1999, the date he was sentenced. The circuit court granted the motion without a hearing and ordered that Jackson, "be awarded his due sentencing credit of seventy-eight (78) days by dating his sentence from May 18, 1999, and that the Docket Entries and Commitment Order shall be amended to reflect that change" (2008 order).

In June 2017, Jackson filed a "Motion to Direct Clerk to Amend Current Commitment Pursuant to Order of May 1, 2008." In that motion, Jackson claimed that: (1)

the 2008 order “[a]mended [his] sentence by dating it from May 1, 2008; (2) because the 2008 order did not indicate whether the amended sentence should be consecutive to the Baltimore County sentence it was required to be treated as concurrent; and (3) therefore, the commitment order in his case should be amended to reflect that his Anne Arundel County sentences were concurrent to his Baltimore County sentence. The circuit court denied the motion to amend the commitment order without a hearing. This appeal followed.

As he did in the circuit court, Jackson contends that the 2008 order amended the 1999 sentences in his Anne Arundel County rape cases to run concurrently to his sentence in the Baltimore County rape case and, therefore, his commitment record must be amended to reflect that change. We disagree. The only issue before the court in 2008 was whether Jackson should receive jail credit for the time he spent in jail between his conviction and sentencing. The court granted that motion and ordered Jackson’s commitment record to be amended to reflect that jail credit. Jackson did not request any other relief and nothing in the 2008 order indicates that the court intended to impose new sentences in Jackson’s case, much less modify his sentences to run concurrently to his sentence in the Baltimore County case. In fact, the court could not have modified Jackson’s sentence in the way that he suggests, without violating Maryland Rule 4-345, which would have required (1) Jackson’s request to have been made within ninety days of the original sentence being imposed; (2) a hearing; and (3) an opportunity for the victim to testify. In short, even if the court had intended to impose concurrent sentences, such an amendment would have been a nullity. *See Tolson v. State*, 201 Md. App. 512, 519 (2011).

Judges are presumed to know and apply the law correctly. *State v. Chaney*, 375 Md. 168, 181 (2003). Yet, Jackson would have us find that the court violated Rule 4-345 to grant him relief that he had never requested. This we will not do. Because the 2008 order did not modify Jackson’s sentences to run concurrently, the circuit court did not err in denying his motion to amend the commitment record.

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