

Circuit Court for Baltimore City
Case No.: 113297022

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1249

September Term, 2021

WILLIAM WARREN

v.

STATE OF MARYLAND

Arthur,
Shaw,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 28, 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.

In 2014, William Warren, appellant, pleaded guilty to distribution of cocaine in Baltimore City Circuit Court case no. 113297022 (#022), and on June 4, 2014 he was sentenced to 15 years' imprisonment, with all but two days served pre-trial suspended, and placed on a three-year term of supervised probation. He was also sentenced to a concurrently run sentence in case no. 114079007 (#007) for distribution of heroin. In July 2016, the court terminated Warren's probation in both cases and ordered him to serve 10 years of his previously suspended time in #022, to run consecutively to any outstanding sentence. The court also ordered him to serve 10 years of previously suspended time in #007, to run concurrently with the sentence in #022. For reasons not clear from the limited record before us, on May 14, 2021 the court granted a "joint motion" to vacate the judgment in case #007, and the State then entered a nol pros in that case.

On June 10, 2021, Warren (representing himself) filed a motion in #022 which he captioned "Motion For Appropriate Relief." He claimed that, when originally sentenced in 2014, the court had imposed sentence after "viewing" the sentencing guidelines, which he asserted would have included "certain past offenses, as well as certain pending offenses." He maintained that "[b]ecause a basis existed to vacate 007, fairness would be promoted by resentencing [him] under the corrected guideline range, excluding negative implications of case 007[.]" He did not include the sentencing guidelines from the 2014 sentencing (and they are not in the record before us) or proffer how the guidelines would have differed without the #007 conviction. The court denied relief. Warren appeals that ruling.

On appeal, Warren asserts:

Warren believes the court’s guideline range would be much different without considering Case Number 007. Warren would have less criminal convictions, and the aggravating factor of multiple drug distributions, instead of one event. Warren believes that while the court could originally consider Case 007 when sentencing him for 022, but refusal to resentence based upon his correct criminal history, and not sentences already vacated, and judgments vacated, could arguably be seen as an improper motivation. Warren further believes it would constitute an impermissible consideration.

As relief, he requests that this Court “remand the matter for resentencing in accordance to Rule 4-345.” Although Rule 4-345 has various subsections—including 4-345(a) (authorizing a court to correct an illegal sentence), 4-345(b) (giving a court revisory power over a sentence in the case of fraud, mistake, or irregularity), and 4-345(e) (authorizing a court to modify a sentence where a timely motion for modification has been filed)—Warren does not indicate by what authority he believes the court could or should modify his sentence. And Warren has not produced the 2014 sentencing transcript to support his vague assertion that the court relied on his conviction in #007 when sentencing him in #022 or that the #007 conviction increased his sentencing guidelines in #022.¹

We are not persuaded that the circuit court erred in denying Warren’s motion to resentence him in #022. Based on the record before us, his sentence is not inherently illegal and thus relief pursuant to Rule 4-345(a) is not available. Warren has not specifically argued, and nothing in the record before us indicates, that the sentence is the result of fraud, mistake, or irregularity and, therefore, relief under Rule 4-345(b) is not available. Finally,

¹Even if Warren’s sentence was above the sentencing guidelines, that would not render his sentence illegal unless the court had bound itself to impose a sentence within the guidelines. The transcript of the plea hearing is not in the record before us and nothing that is in the record before us supports that notion.

the docket entries reflect that Warren filed a motion for modification or reduction of his sentence on July 15, 2016, which the court denied on July 26, 2016 and, therefore, he is not entitled to relief under Rule 4-345(e).

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