

Circuit Court for Montgomery County  
Case No: 31640C

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1341

September Term, 2020

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RAMON JESUS DORADO

v.

STATE OF MARYLAND

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Fader, C.J.,  
Ripken,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 14, 2021

\*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 1983, a 15-count Indictment was filed in the Circuit Court for Montgomery County in case no. 31640 charging Ramon Jesus Dorado, appellant, with two counts of murder, robbery with a dangerous weapon, assault, and related offenses. On June 7, 1984, Mr. Dorado appeared in court with counsel and, pursuant to a plea agreement with the State, pleaded guilty to Count 1 (murder of John Lynn Offutt) and Count 3 (murder of Michael Royce Cashion). On September 28, 1984, the court sentenced Mr. Dorado to two concurrently run terms of life imprisonment. The State then nol prossed the remaining counts in case no. 31640 and a single count in case no. 31763.

In 2020, Mr. Dorado, representing himself, filed a pleading he captioned “Petition To Amend Commitment” in which he asserted that all but Counts 1 and 3 in case no. 31640 were nol prossed at the June 1984 plea hearing and when the “remaining counts” under that indictment were nol prossed at the September 1984 sentencing hearing, it had the effect of “making [his] entire indictment under the Operation of Law non-existent.” He, therefore, maintained that his life sentences were illegally imposed. The circuit court denied relief. Mr. Dorado appeals that ruling and reiterates the arguments he made in the circuit court. We shall affirm the judgment.

We turn first to the transcript from the plea hearing. We note, however, that the record before us does not include the original official transcript, but does include copies of the same. Curiously, however, there are two copies with some slight, non-substantive differences. One copy of the “original” appears to have been filed in conjunction with a petition for post-conviction relief addressed by the court in 1991. The second version of the “original” plea hearing transcript consists of portions of that transcript and appears to

have been filed by Mr. Dorado in 2020 in conjunction with his *pro se* petition for expungement of records. Because the former transcript is complete and includes a copy of the transcriber’s certificate, and the latter is missing numerous pages and does not include the transcriber’s certificate, we cite to the former.

At the plea hearing, defense counsel informed the court of the plea agreement, stating:

Your Honor, at this time Mr. Dorado is going to withdraw his plea of not guilty to count one and count three of the Indictment in 31640, and that is pursuant to plea negotiations with the State’s Attorney’s Office.

The substance of the plea negotiations, Your Honor, is that the defendant will enter a plea of guilty to those two counts, which are counts of first degree murder, predicated on a felony murder theory, and that furthermore, during the course of voir dire, he would acknowledge that he was the shooter of Mr. Cashin<sup>[1]</sup> and Mr. Offutt with respect to those two counts.

Furthermore, the substance of the plea negotiation is that the State would enter a nolle prosequi with respect to the remaining counts of that indictment. Also, with respect to 31763, and that the Court would bind itself to impose no greater than an executed sentence of life, one life sentence, and of course, that does not preclude the Court from suspending another life, or suspending whatever portion of another life the Court would deem appropriate in this instance.

Furthermore, the plea is predicated on the fact that it would not be an Alfred [sic] plea or a nolo contendere, and also the State has taken no position on whether it would recommend or not recommend Patuxent for Mr. Dorado.

The court then clarified that the sentencing terms of the plea agreement would not preclude the court from imposing two concurrent life sentences. Defense counsel agreed,

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<sup>1</sup> In the Indictment, the victim’s surname is spelling “Cashion.”

stating that under the agreement only the “executed incarceration cannot exceed one life sentence.”

When examining Mr. Dorado before accepting the plea, the court ensured that he understood the terms of the plea agreement, which the court re-stated as follows:

The State and your attorney tell me that the bargain that has been reached, the plea agreement that has been reached between you and the State in this case is that you will plead guilty to the two counts of first degree murder, being count one and count three in Criminal 31640, on the basis of it having been a felony murder, rather than a deliberate, willful, and premeditated murder. That you will freely acknowledge your guilt under the felony murder theory and that you were in fact the person who shot the weapon which accomplished the two murders.

You will not in any way deny your guilt under the felony murder concept. If that occurs, *and if I accept a plea, then the State will dismiss the other counts of Criminal 31640* and will dismiss all of the counts in Criminal 31763.

(Emphasis added.)

Mr. Dorado informed the court that he understood the plea terms. After completing its examination, the court found that Mr. Dorado was entering the plea knowingly and voluntarily. After hearing the State’s proffer of facts in support of the plea, the court accepted the guilty pleas to Counts 1 and 3 and deferred sentencing until after the completion of a pre-sentence investigation. Consistent with the plea hearing transcript, the June 7, 1984 docket entry reflects that, on that date, Mr. Dorado entered pleas of guilty to Counts 1 and 3.

On August 28, 1984, Mr. Dorado appeared in court for sentencing. After imposing the sentence and advising Mr. Dorado of his post-trial rights, the following discussion occurred regarding the nol pross of other counts.

THE COURT: Madam State, was there a nolle to be entered in other counts?

[THE STATE]: Yes, Your Honor, there are. The State *at this point* would enter nolle prosequis to the remaining counts in Criminal Number 31640, as well as to the one count information in Criminal Number 31763.

THE COURT: Very well. *Enter the nolle as indicated by the State.*

(Emphasis added.)

The docket entry for August 28, 1984 reflects that disposition was rendered that day and the remaining counts were nol prossed.

Having reviewed the transcripts of the plea and sentencing hearings and the docket entries in this case, we are not persuaded that the circuit court erred in rejecting Mr. Dorado’s claim that all the counts in case no. 31760 were nol prossed, thereby rendering illegal his current life sentences for murder. Rather, it is clear that on June 7<sup>th</sup> Mr. Dorado pleaded guilty to Counts 1 and 3 and the State agreed that it would ultimately nol pross the “other” or “remaining counts” in the indictment. The State did not move to nol pross any count at the plea hearing, and no nol pross was entered until after the court imposed sentence on Counts 1 and 3 on August 28<sup>th</sup>. In other words, neither the transcript of the plea hearing nor the docket entry supports Mr. Dorado’s claim that the State nol prossed certain counts on June 7, 1984. Accordingly, his claim that he was sentenced for charges that had been dismissed has no merit.

In his appeal brief, Mr. Dorado also states that “[a]ccording to the docket entries” he “was convicted of three counts of murder, which is incorrect[.]” He attached a copy of what appears to be a one-page computer-generated document setting forth the “Charge Dispositions” in this case. The paper, which indicates it reflects information “as of 2020-

02-04,” does, in fact, reflect that guilty pleas to “murder” were entered on Count 1, Count 5, and Count 7. That does appear to be error, as the record before us indicates that Mr. Dorado pleaded guilty to two counts of murder—Count 1 and Count 3. The paper, however, is not a docket entry and it was not included in the “Docket Information” that is in the record before us, which was generated on March 17, 2021. To the extent that any “Charge Dispositions” or other docket information maintained by the circuit court reflects that Mr. Dorado pleaded guilty to anything other than murder (Count 1) and murder (Count 3), it should be corrected.

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