Circuit Court for Baltimore County
Case No: 03-K-05-002493

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1578

September Term, 2019

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JEFFREY RICARDO JONES, JR.

v.

STATE OF MARYLAND

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

JJ.

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PER CURIAM

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Filed: September 2, 2020

On February 15, 2006, Jeffrey Ricardo Jones, appellant, appeared with counsel in the Circuit Court for Baltimore County and entered an *Alford* plea to attempted first-degree murder. On April 20, 2006, the court sentenced him to life in prison, suspending all but 25 years, to be followed by a five-year term of supervised probation. A month later, defense counsel filed a motion for modification or reduction of sentence, which the court promptly denied. Mr. Jones then filed, as a self-represented litigant, an application for review of sentence pursuant to Md. Rule 4-344(a) and § 8-102 of the Criminal Procedure Article ("Crim. Proc.") of the Md. Code. Following a hearing, at which Mr. Jones was represented by counsel, the three-judge panel increased Mr. Jones sentence to life imprisonment, suspending all but 50 years. The panel noted "the egregious nature of the crime" and the "fact that the victim was not killed was due to the intervention of witnesses, not because of a lack of intent by the Defendant." The panel also noted that Mr. Jones committed the crime "only ten days after a Protective Order had been issued."

In 2019, Mr. Jones, representing himself, filed a motion to correct an illegal sentence and a motion "for correction of sentencing errors and breach of plea agreement." He asserted that the three-judge review panel illegally increased his sentence because it breached the sentencing terms of his "binding" plea agreement. The circuit court summarily denied the motion. We shall affirm the judgment because Mr. Jones has not

established that the plea court had bound itself to impose any particular sentence, much less life suspend all but 25 years.[1]

At the plea hearing, the prosecutor informed the court that "at the time of sentencing the State is going to recommend life in prison," but the "defense is not tied to that sentence" and "they can ask for any sentence that they feel is appropriate." He further noted that the guidelines were "18 to 25 years." Based on the limited record before us, we are not persuaded that the court bound itself to impose any particular sentence. Accordingly, the three-judge panel did not render Mr. Jones's sentence illegal when it increased the sentence to life imprisonment, all but 50 years suspended. *See* Crim. Proc., § 8-105(c)(3) (after a hearing, a review panel may order "an increased sentence").

Mr. Jones's reliance on *Dotson v. State*, 321 Md. 515 (1991) is misplaced. In *Dotson*, the Court of Appeals held that a three-judge panel could not increase a sentence beyond the maximum term provided for in the plea agreement. *Id*. at 525. Here, as noted, Mr. Jones has failed to establish that the plea court agreed to impose a sentence less than the permitted life imprisonment.

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

[1] Because the plea and sentencing transcripts are not in the record before us, the State suggests that we not address Mr. Jones's claim. In response, Mr. Jones attached excerpts from the plea and sentencing hearings to his Reply brief. As the appellant, Mr. Jones was responsible for ensuring that the full transcripts of those proceedings were in the record. Nonetheless, based on what is before us, we shall address his claim rather than dismiss the appeal.