Circuit Court for Talbot County
Case No.: C-20-CR-22-000111

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1630

September Term, 2023

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ONDRAY MICHAEL GWYNN

v.

STATE OF MARYLAND

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Nazarian,
Albright,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Sharer, J.

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Filed: April 7, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Appellant, Ondray Michael Gwynn, was convicted by a jury sitting in the Circuit Court for Talbot County of felony theft and conspiracy to commit felony theft. He was sentenced to an aggregate ten years' incarceration, consisting of the following sentences: (1) ten years with all but five years suspended for felony theft, to be served consecutive to any other sentence he was then serving; followed by (2) a consecutive ten years with all but five years suspended for the conspiracy conviction. The court further ordered a period of five years' supervised probation upon his release and payment of restitution as a condition of probation.[1]

In this timely appeal, Appellant asks us to address the following questions:

> 1. Did the Circuit Court clearly err when it denied the Defendant's Motion to Suppress tangible evidence because there was no probable cause to search the residence at 1129 Carroll Street at the time the warrant was sought, issued, or executed?
>
> 2. Did the Circuit Court err when it failed to grant credit to the Defendant against the sentence imposed for the time he spent in custody after his bond was revoked in this case?

For the following reasons, we shall affirm.

## BACKGROUND

In view of the issues presented, we need not include a detailed summary of all the evidence adduced at trial. *See Thomas v. State*, 454 Md. 495, 498-99 (2017) ("Because the issue dispositive of this appeal does not require a detailed recitation of the facts, we include only a brief summary of the underlying evidence that was established at trial.").

[1] Pertinent to the second question presented, Appellant was given credit for one day time served.

In brief, this case arose during police investigation of an ongoing pattern of thefts targeting jewelry stores and similar establishments in both Maryland and Pennsylvania involving Appellant and group of four to six others. Using a common modus operandi, some members would create distractions for employees, enabling others to commit the thefts. The specific charges in this case relate to the March 5, 2022, felony theft of jewelry, valued at $92,000, from "Shearer the Jeweler," located on North Washington Street in Easton, Talbot County.

As part of the investigation, police placed a judicially approved mobile tracking device on a 2014 Ford Fusion registered in Pennsylvania to Nathan Burrell, Jr., Appellant's co-conspirator. Physical and electronic surveillance of that same vehicle led police to Appellant's alleged residence at 1129 Carroll Street in Baltimore City, the location identified in the search warrant that is the subject of the first issue presented in this appeal. Specifically, the issue concerns the Application and Affidavit for Search and Seizure Warrant, issued and executed for the premises of 1129 Carroll Street, Baltimore City and the persons of Appellant and Nathan Burrell, Jr.

The Application alleged that certain property relating to the crime of felony theft was believed to be on the premises and persons so identified. Pertinent to our discussion, the Affidavit provides:

> On 03/05/22, the monitoring of the mobile tracking device revealed that the Toyota Avalon traveled to the town of Easton in Talbot County, Maryland. The vehicle stopped in the unit block of North Washington Street and the unit block of Goldsborough Street. On 03/10/22, Detective Crumbacker was contacted by Detective Reibly of the Easton Police Department. Detective Reibly advised Detective Crumbacker that on 03/05/22, five to six older, unknown black male suspects exited two vehicles

> that were parked on North Washington Street, one being the Toyota Avalon with Maryland tag 980Z37 and the second being a black, Ford Fusion with Pennsylvania tags. At staggered times, the suspects separately went into Shearer the Jeweler jewelry store on Washington Street. Once inside the store, several of the suspects distracted the employees while one suspect went into the office area of the store and stole approximately $92,000 worth of diamonds. Those diamonds were contained in numerous small envelopes with labels in two narrow, black, rectangular boxes with white labels. One box had a label of "ROUND" and the other a label of "FANCY." Detective Reibly further advised that these same subjects went into another jewelry store in the same area just prior to Shearer the Jeweler; however, those employees felt that they were intentionally being distracted and told all of them to leave their store. Through video surveillance and his investigation, Detective Reibly identified the suspects as Darryl Lomax, Nathan Burrell, Gregory Rice, Ondray Gwynn, Robert A. Weathers and Alonzo Colvin.
>
> From the previous surveillance on 02/08/22, Baltimore County Detectives had identified the black Ford Fusion as a 2014 model with Pennsylvania tag LLH5288. That Ford Fusion is the same Ford Fusion that Easton Detectives identified as the second suspect vehicle used in the theft at Shearer the Jeweler. For that incident, Detective Reibly will be seeking charges for Conspiracy and Felony Theft in Talbot County.

Further investigation of the Easton theft led police to consider a prior similar theft on May 14, 2021, at J. Brown Jewelers in Pikesville, Baltimore County. That theft involved the same modus operandi and police concluded that it involved Appellant, Burrell, and others. Coincidentally, on the same day as the J. Brown Jewelers theft, Appellant was a passenger in Burrell's 2019 Nissan Versa when that vehicle was involved in a collision in the Park Heights neighborhood of Baltimore. Baltimore City Police responded to this accident. According to the Affidavit, Appellant and Burrell were wearing clothing identical to that worn by the perpetrators of the robbery at J. Brown Jewelers. The affidavit recited, in part: "Ondray Gwynn was wearing a pair of very identifiable sunglasses and a rather unique, covid type facemask that looked identical to those that he was wearing at J.

Brown." After the crash, Burrell transferred the license plates from his Nissan to the 2014 Ford Fusion.

The affidavit continues, in pertinent part:

> On 03/11/22 Detective Crumbacker obtained a Court Order from Judge Pate of the District Court of Maryland to install a mobile tracking device on Burrell's Ford Fusion. That device was installed on the Fusion on 03/15/22. The GPS on the Fusion shows that on most nights the vehicle is parked in the 100 block of Edgar Street in York, PA. Other nights it is parked in the 1100 block of Carroll Street in Baltimore. Nathan Burrell maintains a residence in York, Pennsylvania and frequently stays some nights in Baltimore with associate, Ondray Gwynn at 1129 Carroll Street 21223. Baltimore County Detectives have conducted numerous hours of surveillance and have observed Burrell and Gwynn regularly going in and out of 1129 Carroll Street.

The continued investigation involved additional thefts of cash and jewelry from various establishments in Pennsylvania. The Affidavit continued:

> During the thefts at J. Brown and Shearer The Jeweler, Ondray Gwynn was seen on video surveillance wearing white Nike sneakers with black heels and soles, black denim style pants, white long sleeve T-shirt, black covid style facemask with red emblem on right side, gold rimmed glasses with tinted lenses and gold and olive colored arms, black gloves, black zipper jacket, grey Under Armour baseball cap, black boots with red tag on back of each.
>
> During the thefts at J. Brown and Shearer The Jeweler, Nathan Burrell was seen on video wearing black two-tone shoes with pull loops, grey sport coat, black dress slacks, white dress shirt, black, wired earbuds, black North Face zipper jacket, blue puffy zipper jacket with hood, blue or black baseball cap with SECURITY on front, black boots with black laces and silver or white connecting piece in the laces.

The Affidavit concluded:

> Based on the Defendants criminal histories, the review of video surveillance as well as numerous hours of physical surveillance, your Affiants know that these Defendants are an organized and experienced crew. Your Affiants know from their training, knowledge and experience that

> persons involved in these schemes and conspiracies to commit thefts will often keep the clothing that they use and wear during these crimes at their residences for future use and wear. Your Affiants along with other Detectives from Baltimore County and Easton have conducted numerous hours of physical and electronic surveillance of these Defendants and some of them have been observed wearing clothing that looks identical to the clothing that was observed on surveillance video when these crimes were committed. These Defendants have been observed on video surveillance talking on cellular telephones during the course of these crimes. Your Affiants believe that these Defendants are utilizing cellular telephones to communicate with each other to more effectively carry out these crimes. Your Affiants know from their training, knowledge and experience that persons committing these and other crimes will keep their phones on their person or in their residences and vehicles. Your Affiants believe that the clothing and cellular telephones that were used to commit these crimes, as well as some property that was actually stolen during these crimes, is presently being concealed inside this residence.
>
> Wherefore, your Affiant requests that a Search and Seizure Warrant be issued for said residence known as 1129 Carroll Street Baltimore, Maryland 21230 and said persons known as Ondray M. Gwynn 05/04/1959 and Nathan Burrell Jr. 05/04/1955.[2]

We shall include additional details as necessary in the following discussion.

## DISCUSSION

### The Search and Seizure

Appellant contends the evidence seized from 1129 Carroll Street should have been suppressed because there was no probable cause to believe that he "personally resided at that residence[,]" and because the officers who executed the search warrant did not act in good faith reliance on the warrant. The State disagrees, as do we.

Our review of the ruling of a suppression court relies "solely upon the record developed at the suppression hearings." *Whittington v. State*, 474 Md. 1, 19 (2021) (quoting

[2] The Search Warrant was signed by a judge on April 25, 2022.

*Kelly v. State*, 436 Md. 406, 420 (2013), *cert. denied*, 574 U.S. 958 (2014)). The evidence and inferences drawn therefrom are considered "in the light most favorable to the party who prevails on the motion[.]" *Id*. at 20 (quoting *Kelly*, 436 Md. at 420). Further, we shall "defer to the motions court's factual findings and uphold them unless they are shown to be clearly erroneous." *Id*. (quoting *Lee v. State*, 418 Md. 136, 148 (2011)).

"The Fourth Amendment to the United States Constitution protects '[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.'" *State v. Johnson*, 458 Md. 519, 533 (2018) (alteration in original) (quoting U.S. Const. amend. IV). "Reasonableness within the meaning of the Fourth Amendment 'generally requires the obtaining of a judicial warrant.'" *Id.* (quoting *Riley v. California*, 573 U.S. 373, 382 (2014)). When evidence is seized pursuant to a search warrant, our review is not *de novo*, but instead is whether, based on the "four corners" of the warrant and its attachments, *Sweeney v. State*, 242 Md. App. 160, 185 (2019) (cleaned up), the issuing judge had a "substantial basis" for finding probable cause to issue the warrant. *Carroll v. State*, 240 Md. App. 629, 649, *cert. denied*, 465 Md. 649 (2019). As our Supreme Court explained:

> We do not conduct a *de novo* inquiry into whether the court order in this case was supported by probable cause, rather we must determine whether the "*issuing judge had a substantial basis* for concluding that the [court order] was supported by probable cause." [*Patterson v. State*, 401 Md. 76, 89 (2007)] (emphasis added) (citing *Greenstreet v. State*, 392 Md. 652 (2006)). This Court uses a deferential standard of review when evaluating an issuing court's determination of probable cause. *Stevenson v. State*, 455 Md. 709, 723 (2017); *Malcolm v. State*, 314 Md. 221, 229 (1988) ("As the key protection from unreasonable government searches, warrants continue to be favored [by] law."). "[S]o long as the magistrate had a 'substantial basis for . . . conclud[ing]' that a search would uncover evidence of wrongdoing, the

> Fourth Amendment requires no more." *Stevenson*, 455 Md. at 723-24 (citation omitted); *see also Illinois v. Gates*, 462 U.S. 213, 236 (1983) ("[W]e have repeatedly said that after-the-fact scrutiny by courts of the sufficiency of an affidavit should not take the form of *de novo* review.").

*Whittington*, 474 Md. at 31-32; *see also Stevenson*, 455 Md. at 723, 727 (stating that "in a doubtful or marginal case a search under a warrant may be sustainable where without one it would fall" and, recognizing that "the information set forth in a warrant affidavit is to be considered in its totality" (citations omitted)); *Moats v. State*, 230 Md. App. 374, 391 (2016) ("The evidence necessary to demonstrate a 'substantial basis' is less than that which is required to prove 'probable cause.'"), *aff'd*, 455 Md. 682 (2017).

Here, the motions hearing began with admission of the search warrant. Appellant argued that the four corners of the Affidavit in support of the search warrant failed to show a nexus between the items to be seized and the place to be searched, namely, 1129 Carroll Street in Baltimore City, alleged to be Appellant's residence. Appellant also argued the search could not be justified under the good faith doctrine as espoused by *United States v. Leon*, 468 U.S. 897 (1984).

The State replied that Appellant's nexus to 1129 Carroll Street was established by electronic and physical surveillance and that there was a substantial basis to uphold the issuing judge's decision to approve the search warrant. Moreover, the State continued, the officers executing the search warrant had an objective basis to rely in good faith on the issuing judge's ruling that probable cause supported the search warrant.

The court agreed with the State and denied the motion to suppress, finding:

> On March 5, 2022 the Toyota Avalon is in Easton Maryland. This is the day of the theft of at [sic], the alleged theft at Shearer the Jewelers. Detective Reibly

determined that among the co-defendants at Shearer the Jewelers, one of them is the Defendant in this case, Ondray Gwynn, or identified Ondray Gwynn as a participant in the theft. On, there had been a previous theft on May 14, 2021 at Brown Jewelers. The Defendant in this case, Ondray Gwynn was identified at that theft wearing distinctive sunglasses and a unique Covid mask. Then there was the collision of the vehicle in which Mr. Gwynn was a passenger in the vehicle, this was of a Nissan vehicle. Mr. Gwynn was a passenger and identified wearing distinctive sunglasses and a unique Covid mask. And another vehicle identified by Detective Reibly was Ford Fusion, that was in Easton Maryland, was a Ford Fusion. This was determined to be the car, vehicle owned by Mr. Burrell, a co-defendant. And the Ford Fusion, a tracker was placed on the Ford Fusion. It is observed to be in York, Pennsylvania and also go to Carroll, park on the 1100 block of Carroll Street. Police observe Mr. Burrell and the Defendant going in and out of the residence at 1129 Carroll Street.

After discussing the applicable law, the court continued:

> In this case, again, there is observations of, and these are security footage observations, which purport to show the defendant wearing consistent clothes that certain thefts and there is a statement that in the[ir] professional judg[]ment, defendants may store their clothes and cell phones at their homes and there is evidence through observation that Mr. Burrell and Mr. Gwynn are stating [sic] at the 1129 Carroll Street address. It certainly seems logical with small items like clothes and cell phones that they would be at someone's residence and not stored somewhere else. And the issue for the Court is whether there was a substantial basis in the application by which a[n] issuing Judge could determine there was probable cause. In this case there is line [sic] between the theft at the Valley Village Wine Shop, which led to the issuance of a tracking device on a Toyota Avalon. That Toyota Avalon is found in Easton on the day of the alleged theft at Shearer the Jewelers. That Toyota Avalon makes trips back and forth between York, Pennsylvania and 1129 Carroll Street. The Defendant and the owner of the Avalon, Mr. Burrell, are observed going in and out of the residence at 1129 Carroll Street. Those observations that are set forth in the affidavit and application for a search warrant, it appears to the Court, and the Court is satisfied, would provide a factual basis to, or sufficient basis for a[n] issuing Judge to determine that there was probable cause to search the residence at 1129 Carroll Street and for those reasons, the Court will deny the motion to suppress.[3]

[3] Although the court earlier recognized that Burrell owned the Ford Fusion, it misspoke in its final findings that Burrell instead owned the Avalon. Additionally, the Affidavit provides that police placed a mobile tracking device on Burrell's Ford Fusion (continued…)

Before an officer can seize a person's property under the Fourth Amendment "[t]here must, of course, be a nexus . . . between the item to be seized and criminal behavior." *Warden, Md. Penitentiary v. Hayden*, 387 U.S. 294, 307 (1967). In other words, the officer must have probable cause to believe that the evidence seized "will aid in a particular apprehension or conviction." *Id*.

In assessing nexus, there is a "permitted inference that perpetrators of crimes of violence will likely keep the weapons or other instrumentalities of crime in their homes." *Joppy v. State*, 232 Md. App. 510, 524 (citing *Holmes v. State*, 368 Md. 506, 520 (2002), and discussing *Mills v. State*, 278 Md. 262 (1976) and *State v. Ward*, 350 Md. 372 (1998)), *cert. denied*, 454 Md. 662 (2017).

Moreover, "[d]irect evidence that contraband exists in the home is not required for a search warrant; rather, probable cause may be inferred from the type of crime, the nature of the items sought, the opportunity for concealment, and reasonable inferences about where the defendant may hide the incriminating items." *Holmes*, 368 Md. at 522.

> We stress the last clause of that pronouncement to make clear that the mere observation, documentation, or suspicion of a defendant's participation in criminal activity will not necessarily suffice, by itself, to establish probable cause that inculpatory evidence will be found in the home. There must be something more that, directly or by reasonable inference, will allow a neutral magistrate to determine that the contraband may be found in the home.

and the Fusion sometimes was parked in Pennsylvania, and sometimes, "in the 1100 block of Carroll Street in Baltimore."

*Id.* at 523 (internal citations omitted); *see also State v. Johnson*, 208 Md. App. 573, 606 (2012) ("A finding of nexus does not depend upon some direct observation of suspicious behavior in or near the residence.").

Appellant argues that the State failed to prove 1129 Carroll Street was his residence.[4] However, direct evidence is not necessary, particularly when the overall circumstances support the issuing judge's determination that a connection existed between Appellant and 1129 Carroll Street. *See Carroll v. State*, 240 Md. App. 629, 652-53 (concluding there was a "clear nexus" between appellant, who was alleged to have murdered two people in Maryland, and a residence in New Jersey based on police surveillance and other evidence developed during the joint investigation), *cert. denied*, 465 Md. 649 (2019); *see also United States v. Grossman*, 400 F.3d 212, 217 (4th Cir. 2005) ("[A] sufficient nexus can exist between a defendant's criminal conduct and his residence even when the affidavit supporting the warrant contains no factual assertions directly linking the items sought to the defendant's residence." (quotation marks and citation omitted)).

Here, the evidence before the suppression court revealed that the investigation into a series of jewelry store thefts in Maryland and Pennsylvania linked Appellant and his co-conspirators to the crimes through surveillance, vehicle tracking, and physical evidence. The thefts followed a consistent pattern—several individuals would enter a store, distract

[4] As we understand it, Appellant is not denying that 1129 Carroll Street was his residence. Otherwise, presumably, the State would have argued below that Appellant had no standing to contest the search of that home.

employees, and steal high-value merchandise or cash. Among the offenses investigated included events of March 5, 2022, when a group of five to six men, including Appellant and Burrell, arrived in Easton, Maryland, in a Toyota Avalon and a black Ford Fusion. Surveillance footage showed them entering Shearer the Jeweler, where they distracted employees while one individual stole approximately $92,000 worth of diamonds. The Ford Fusion was registered to Burrell, and investigators had already been tracking it due to its connection to prior thefts. Detectives had also monitored a similar attempt at another jewelry store that same day, reinforcing the pattern of operation.

Further investigation revealed that Burrell's Ford Fusion frequently traveled between York, Pennsylvania, and 1129 Carroll Street in Baltimore. Surveillance confirmed that Burrell and Appellant regularly entered and exited 1129 Carroll Street, establishing a strong link between the residence and their activities.

Authorities connected the Easton theft to the similar May 14, 2021, incident at J. Brown Jewelers in Pikesville. That same day, Burrell and Appellant were in a car accident while wearing the same distinctive clothing seen in surveillance footage from the J. Brown robbery. Burrell later transferred the tags from his crashed Nissan to the Ford Fusion used in subsequent crimes.

Police obtained a warrant for 1129 Carroll Street based on extensive surveillance, video evidence, and their experience that criminals often store stolen goods, disguises, and communication devices at their residences. The search warrant application detailed that the clothing, phones, and possibly stolen property related to the thefts were likely concealed inside the residence, solidifying Appellant's connection to 1129 Carroll Street.

Considering these facts, as set forth in the four corners of the Affidavit, we are persuaded that there was substantial evidence to support the issuing judge's finding of probable cause to search 1129 Carroll Street. Moreover, we agree with the State that the officers who executed the search warrant could rely in good faith on the magistrate's determination. *See Leon*, 468 U.S. at 919-20. "Under the good faith exception, evidence will not be suppressed under the exclusionary rule if the officers who obtained it acted in objectively reasonable reliance on a search warrant." *Richardson v. State*, 481 Md. 423, 446 (2022) (citing *Leon*, 468 U.S. at 922-24). Appellant contends that the good faith exception doctrine does not apply in this case because "the warrant was based on an affidavit that was so lacking in probable cause as to render official belief in its existence entirely unreasonable[.]" *Id.* at 470 (citation omitted). Appellant's position is without merit. The police investigation was comprehensive, and the trail of breadcrumbs connecting Appellant to Burrell, to Burrell's Ford Fusion, to the distraction-style theft at Shearer the Jeweler, and then back to 1129 Carroll Street was thoroughly detailed in the Application and Affidavit for the Search Warrant. We are persuaded that a trained and experienced police officer could have reasonably believed that probable cause existed. The motions court correctly denied the motion to suppress.

Sentence Credit

Appellant next asserts he was entitled to credit for time served on this, his Talbot County case, after he was arrested and detained in Anne Arundel County on an unrelated charge. The State responds that Appellant received credit for the time at issue in his Anne Arundel case and is not entitled to additional credit.

April 26, 2022: Appellant was arrested in Talbot County.

April 27, 2022: Appellant released on bond in Talbot County case.

March 28, 2023: Appellant arrested for unrelated crimes, including armed robbery, in Anne Arundel County.

March 29, 2023: (1) The State moved to revoke bond in the Talbot County case; (2) Motion granted, Appellant's bond in this case revoked.

April 26, 2023: Detainer from Talbot County Sheriff filed in the Anne Arundel County case.

August 30, 2023: Appellant convicted in Talbot County case.

September 13, 2023: Appellant pleaded guilty in Anne Arundel County case to one count of felony theft and was sentenced to nine months "concurrent with any other outstanding or unserved sentence and begin on 03/28/2023."

October 13, 2023: Appellant was sentenced, in Talbot County, to ten years with all but five years suspended for felony theft "and that sentence is to run consecutive to any other sentence that you are now serving and I will give you credit for one day time served." He was also sentenced to ten years for conspiracy to commit felony theft "consecutive to the sentence in count one."

At the conclusion of the sentencing hearing in this case, Appellant's counsel argued as follows:

> [DEFENSE COUNSEL]: Your Honor, we also took the position that Mr. Gwynn's sentence should start from the date he was taken back into custody, when his bail was revoked.

> THE COURT: Well he was taken into custody on the new charge and the warrant was issued that served as a detainer.
>
> [DEFENSE COUNSEL]: I understand that, Your Honor, but you in fact did revoke his bond because of that. I think the statu[t]e does say that a person is entitled to credit when they are being held on their case. He was technically being held on this case.
>
> [PROSECUTOR]: Your Honor, there is case law that states that the Defendant is not entitled. I can certainly site [sic] that.
>
> THE COURT: If it is a detainer, they are not being held on the case.

In examining a denial of a motion for credit for time served under Maryland Code (2001, 2018 Repl. Vol.), Criminal Procedure ("Crim. Proc.") Article § 6-218, we review the trial court's decision *de novo*. *See Gilmer v. State*, 389 Md. 656, 662-63 (2005) ("The construction of [§ 6-218] of the Criminal Procedure Article implicate[s] a *de novo* review."). We "review[] without deference the issue of whether a sentence is illegal." *Nichols v. State*, 461 Md. 572, 598 (2018). That is because "the only question is whether the ultimate sentence itself is or is not inherently illegal. That is quintessentially a question of law calling for *de novo* appellate review." *Carlini v. State*, 215 Md. App. 415, 443 (2013).

Section 6-218 of the Criminal Procedure Article governs credit against sentences for time served in pre-sentence custody and provides, in pertinent part:

> A defendant who is convicted and sentenced shall receive credit against and a reduction of the term of a definite or life sentence, or the minimum and maximum terms of an indeterminate sentence, for all time spent in the custody of a correctional facility, hospital, facility for persons with mental disorders, or other unit because of:
>
> (i) the charge for which the sentence is imposed; or

(ii) the conduct on which the charge is based.

Crim. Proc. § 6-218(b)(1).

The statute is unambiguous. Its "plain meaning is that, upon conviction, a defendant must be credited for time he has served in custody 'because of' that crime (or the conduct underlying that crime)." *Lawson v. State*, 187 Md. App. 101, 107 (2009). In addition, the purpose of the statute is two-fold. First, it is intended to avoid "banked time," that is, to prevent a defendant from accumulating credit to be applied to a future sentence for a crime that has yet to be committed. *Blankenship v. State*, 135 Md. App. 615, 617 (2000) (citation omitted); *accord Dedo v. State*, 343 Md. 2, 9 (1996). It is also intended to avoid "dead time," that is, to protect a defendant from spending time in custody that is not credited to any valid sentence. *Blankenship*, 135 Md. App. at 618. In effectuating these dual purposes, the "elemental equation is one actual day for one actual day, and the paper shuffling of multiple sentences will neither decrease it nor increase it." *Id*. at 619.

There is nothing in Crim. Proc. § 6-218(b) that prioritizes one case or sentence over another for the purposes of receiving credit for time served in pretrial detention. This Court has previously rejected the argument that when a defendant is incarcerated on multiple pending charges that result in consecutive sentences, they are entitled to receive the same time credit on each sentence. *Blankenship*, 135 Md. App. at 618-19. A "defendant is not

entitled to double or triple or quadruple credit for time served in the case of consecutive sentences." *Id*. at 618.[5]

Appellant was entitled to one day credit for time served in this, the Talbot County case. The sentencing court did not err.

**JUDGMENTS OF THE CIRCUIT COURT FOR TALBOT COUNTY AFFIRMED. COSTS ASSESSED TO APPELLANT.**

[5] In a case of concurrent sentences, when a defendant is held pending the relevant charges, "[t]he State will not be permitted to deny a defendant his credit for time served by applying it to one concurrent sentence but not to another." *Blankenship*, 135 Md. App. at 618. This would violate the "one-day-for-one-day" principle. *Id*.; *see also Nash v. State*, 69 Md. App. 681, 684, 693 (1987) (concluding that sentences were concurrent and that defendant was entitled to credit for time served on a second sentence). In addition, we also note that, although a defendant is not entitled to receive credit multiple times, the statute leaves it to the discretion of the sentencing judge to choose to do so. Crim. Proc. § 6-218(b)(3).