

Circuit Court for Anne Arundel County
Case No.: C-02-CR-19-002820

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1791

September Term, 2021

SHARNIEL NATHANIEL BAKER

v.

STATE OF MARYLAND

Berger,
Reed,
Meredith, Timothy
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 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.

Sharniel Nathaniel Baker appeals the ruling of the Circuit Court for Anne Arundel County declining to amend his sentence to reflect credit for time served pretrial. For the reasons to be discussed, we shall affirm the judgment.

BACKGROUND

On July 2, 2019, members of the Anne Arundel County Police Department responded to the Extended Stay America in Glen Burnie to investigate concerns regarding the welfare of an elderly woman who was staying at the hotel. Upon their arrival, the police encountered Baker, who allegedly helped care for the woman. After learning that there were two open warrants for Baker’s arrest in unrelated matters (Circuit Court for Anne Arundel County case nos. C-02-CR-19-001193 (“no. 1193”) and C-02-CR-19-002698 “no. 2698”)), Baker was taken into custody. Then after obtaining and executing a search and seizure warrant for a room at Extended Stay America, Baker was charged with various CDS offenses pursuant to a statement of charges filed in the District Court for Anne Arundel County. For reasons not clear from the record before us, the State failed to serve the arrest warrant on Baker until November 19, 2019, even though he had remained in custody since his July 2nd arrest on the other cases. On November 19th Baker was ordered held without bond on the new charges. The District Court charges were ultimately superseded by an Indictment filed on December 23, 2019 in the circuit court (case no. C-02-CR-19-002820 (“no. 2820”)) – the case at issue in this appeal—and on that date the court ordered that Baker’s “no bond” status remain the same.

On January 23, 2020, following a bench trial on an agreed statement of facts in case no. 1193, Baker was found guilty of possession of CDS and possession with intent to

distribute CDS. The court deferred sentencing and ordered that Baker remain on “no bond” status.

On August 14, 2020, Baker appeared in court (remotely) for a plea hearing in this case (no. 2820). The State informed the court that, pursuant to an agreement with Baker, Baker would plead guilty to conspiracy to distribute cocaine and at sentencing the State would recommend a 20-year sentence. The State further informed the court that Baker was awaiting sentence in case no. 1193 and that, pursuant to the plea agreement in this case, the State would ask that the sentence in this case run concurrently with whatever sentence Baker would receive in case no. 1193. After accepting the plea, the court ordered a presentence investigation and scheduled sentencing for September 29, 2020 – a date that was subsequently rescheduled.

On October 13, 2020, Baker was sentenced to 12 years’ imprisonment in case no. 1193, with the sentence run from July 16, 2019. On December 9, 2020, Baker entered an Alford plea to second-degree assault in case no. 2698 and was sentenced to 18 months, with the sentence running from July 2, 2019.

Sentencing in this case (no. 2820) was held on January 13, 2021. The State urged the court to impose a 20-year sentence. The defense asked for a “sentence at the bottom of the sentencing guidelines of 12 years,” and that it run concurrent with the 12-year sentence he was serving in case no. 1193. The defense further asked that the sentence in this case run from July 2, 2019, which “is when this incident happened.” Defense counsel noted that “Mr. Baker wasn’t held officially on this case until November of 2019,” which counsel

“believe[d] may have been a fluke” in that he was taken into custody in the unrelated cases on July 2, 2019.

The court sentenced Baker to 20 years’ imprisonment. Initially, the court announced that the sentence would run as of the sentencing date—January 13, 2021—but instead made it effective September 29, 2020, which was the original sentencing date. Defense counsel inquired whether Baker would receive “credit for the time that he was held without bond, since November 2019 until now[.]” The court declined to give credit in this case for time served pretrial because “he got credit in two other cases [nos. 1193 and 2698] for that.”

Baker, representing himself, then filed an application for leave to appeal and, among other things, asserted that he should have been awarded credit for time served in this case because he had been “incarcerated perpetually since 7-02-19 (the date of this charge), never released.” In its answer to the application for leave to appeal, the State claimed that Baker was not entitled to the credit he was seeking “because he self-reported he was on parole at the time of his arrest in this case.”¹ Moreover, the State simply asserted that Baker was not entitled to credit in this case because he had received credit in the other cases. This Court remanded the matter to the circuit court for it to determine “how much, if any, pre-trial

¹ In its sentencing memorandum filed in this case on August 6, 2020, the State recounts Baker’s extensive criminal history and notes, generally, that he “was on parole at the time of the [current] offense.” It is not clear from the record before us, however, whether Baker was returned to the custody of the Division of Correction for the parole violation while awaiting disposition in this case. It appears that Baker was held in the county detention center at least until his sentencing in case no. 1193 on October 20, 2020.

credit” Baker was entitled to. (Baker’s application for leave to appeal was denied as to any other issues he had raised.)

On January 6, 2022, the circuit court convened a hearing on the credit issue. The court confirmed with Baker, who represented himself, that his position was that the 20-year sentence in this case should have run from July 16, 2019 as was his 12-year sentence in case no. 1193. Baker also maintained that he was entitled to credit because he had been held on a “no bond” status in this case since November 19, 2019. The court declined to alter the start date of Baker’s sentence, noting that it had already “backdated” the start date to the original sentencing date (September 29, 2020) and, given that Baker was “serving another sentence” when the court had imposed sentence in this case, the court concluded that whether to give Baker any additional credit was left to its discretion.

Baker then noted this appeal.

DISCUSSION

Credit for pretrial detention is governed by Md. Code, Criminal Procedure § 6-218, which in pertinent part provides:

a) This section does not apply to a parolee who is returned to the custody of the Division of Correction because of a subsequent crime and is confined before being sentenced for the subsequent crime.

(b)(1) 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.

(2) If a defendant is in custody because of a charge that results in a dismissal or acquittal, the time that would have been credited if a sentence had been imposed shall be credited against any sentence that is based on a charge for which a warrant or commitment was filed during that custody.

(3) In a case other than a case described in paragraph (2) of this subsection, the sentencing court may apply credit against a sentence for time spent in custody for another charge or crime.

Here, if Baker had been held only on the charges in this case, pursuant to subsection (b)(1) above he certainly would have been entitled to credit for time spent in custody prior to sentencing. But the arrest warrant for the charges in this case (no. 2820) was not served on him until November 19, 2019 and at that time he was held on charges in case nos. 1193 and 2698. Moreover, on January 13, 2021—the date he was sentenced in this case—Baker was then serving the 12-year sentence imposed in case no. 1193, which began running on July 16, 2019. Consequently, we are not persuaded that the court erred in declining to run Baker’s sentence in this case from July 2 or July 16 of 2019.

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