

Circuit Court for St. Mary's County
Case No: 18-K-95-000720

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2240

September Term, 2019

DANA RUSSELL COLLINS

v.

STATE OF MARYLAND

Fader, C.J.,
Berger,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 5, 2020

*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.

Dana Russell Collins, appellant, was convicted by a jury in the Circuit Court for St. Mary’s County of first-degree murder and was sentenced to life imprisonment without the possibility of parole.¹ In 2019, he filed a pleading he captioned “Motion To Correct Illegal Sentence, Or In The Alternative, Motion For Appropriate Relief” in which he asserted that his sentence was illegal because it did not account for credit totaling 307 days for pre-trial detention. In short, he maintained that his sentence should run from the sentencing date, with 307 days deducted from the end of the sentence.

On October 25, 2019, the court held a hearing on the motion and that day filed an order stating that Mr. Collins “is entitled to receive credit against and a reduction of his term from November 6, 1995” - his date of arrest. A revised Commitment Record was issued to reflect a life sentence without the possibility of parole, with the sentence of life “to begin on 11/06/1995.” Mr. Collins did not appeal the October 25th order. Instead, on December 17, 2019, he filed a “Motion for Reconsideration” in which he again insisted that 307 days must be deducted from the end of his sentence. The court denied the motion, and Mr. Collins noted a timely appeal from that order. As the State correctly points out, because Mr. Collins did not file a timely appeal from the October 25th order or a motion

¹ In 1996, Mr. Collins pled guilty to first-degree murder. After he sought and was denied post-conviction court relief, he appealed and this Court vacated the judgment and remanded for a new trial. *Collins v. State*, No. 527, Sept. Term, 2000 (filed January 7, 2002). Following a trial held in 2003, a jury convicted Mr. Collins of first-degree murder and Mr. Collins was sentenced on February 12, 2004 to life without the possibility of parole. Mr. Collins appealed and raised several issues, but none related to sentencing. This Court affirmed the judgment. *Collins v. State*, No. 2796, Sept. Term, 2019 (filed September 26, 2005).

for reconsideration within 30 days of that decision, the only matter properly before this Court is the circuit court’s December 17th order denying his motion for reconsideration.

As he did in the circuit court, on appeal Mr. Collins insists that “a life sentence must commence on the date that it is pronounced” and credits “placed in front of the date.” Otherwise, he claims that the credit is mere “Paper Credits” and is essentially meaningless. In other words, he claims that back-dating the start of the life sentence to his arrest date is improper and to have any “value” the 307 days must be subtracted from the end of his life sentence. Although the State agrees that Mr. Collins is entitled to credit for pre-trial custody, *see* Md. Code, Crim. Proc. § 6-218, it maintains that the circuit court properly awarded the credit. We agree with the State.

Pursuant to its October 25th order, the circuit court ensured that Mr. Collins received credit for time served by amending the Commitment Record to reflect that the life sentence began on November 6, 1995.² Given the fact that Mr. Collins is serving a life sentence without the possibility of parole, the court did not err in the manner in which the credit was awarded. *See Bratt v. State*, 468 Md. 481 (2020) (amending the Commitment Record to reflect that a life sentence began on a date prior to the sentencing date, to account for time served pre-trial, was the proper mechanism for addressing a credit issue). Simply put, because a life sentence without the possibility of parole has no specific end date because it runs until death, 307 days for pre-trial credit cannot be deducted from the end of Mr.

² The Commitment Record issued after the 2003 trial reflected that Mr. Collins was sentenced to life imprisonment without the possibility of parole, that the sentence began on February 12, 2004 (the date of sentencing), and he was awarded “Zero days credit for time served[.]”

Collins’s sentence. Accordingly, we hold that the circuit court did not err or abuse its discretion in denying Mr. Collins’s motion for reconsideration.

**JUDGMENT OF THE CIRCUIT COURT
FOR ST. MARY’S COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**