

Circuit Court for Baltimore County  
Case No. 03-K-16-006078

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2284

September Term, 2019

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STATE OF MARYLAND

v.

SPENSER NAHESHEMA SUMLER

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Graeff,  
Ripken,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: May 17, 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 2017, Spenser Naheshema Sumler, appellee, pleaded guilty in the Circuit Court for Baltimore County, pursuant to a binding plea agreement, to first-degree assault and use of a firearm in the commission of a crime of violence. The court indicated that it would “bind [itself] to the terms of [the] Plea Agreement.” Thereafter, it imposed a sentence of twenty years’ imprisonment, with all but ten years suspended, and three years’ probation upon release, on the first-degree assault count. On the firearm count, the court sentenced Mr. Sumler to twenty years’ imprisonment, all but ten years suspended, with the first five years to be served without the possibility of parole. That sentence was ordered to run concurrent to the sentence imposed on the assault count.

In 2019, the post-conviction court granted Mr. Sumler the right to file a belated motion for modification of sentence, which he thereafter filed. The State did not consent to the requested sentence modification. Following a hearing, the court granted the motion and modified Mr. Sumler’s sentence. Although the court did not alter the total term of incarceration, it reduced the unsuspended portions of his sentence from ten years to eight years and increased the term of his supervised probation from three years to five years.

The State filed a notice of appeal, raising a single issue: whether the circuit court erred in granting Mr. Sumler’s motion for modification of sentence when the original sentence was imposed pursuant to a binding plea agreement and the State did not consent to the sentence modification. Mr. Sumler concedes that the court erred in granting his motion for modification of sentence. We agree. In *Brown v. State*, 470 Md. 503, 528 (2020), the Court of Appeals reiterated the general rule that when the parties have entered into a binding plea agreement pursuant to Maryland Rule 4-243, “the court may not modify

[the agreed-upon] sentence on a motion to modify or reduce sentence under Maryland Rule 4-345(e) without the consent of the State.” Because the State did not consent to the sentence modification in this case, the court’s order modifying Mr. Sumler’s sentence must be reversed.

**JUDGMENT OF THE CIRCUIT  
COURT FOR BALTIMORE COUNTY  
REVERSED. COSTS TO BE PAID BY  
APPELLEE.**

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