

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2020

September Term, 2010

DERRICK TRUSDALE A/K/A
DERRICK TRUESDALE

v.

STATE OF MARYLAND

Krauser, C.J.,
Meredith,
Thieme, Raymond G., Jr.
(Retired, Specially Assigned),

JJ.

Opinion by Krauser, C.J.

Filed: October 20, 2015

*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.

Derrick Trusdale a/k/a Derrick Truesdale¹ appeals from the denial, by the Circuit Court for Baltimore City, of his petition for writ of error coram nobis.² Finding no error, we affirm.

In 1997, Truesdale pleaded guilty, in the Circuit Court for Baltimore City, to distribution of cocaine. That court then sentenced Truesdale to a term of six years' imprisonment, suspending five years and six months of that sentence. Thus, in 2009, according to Truesdale, he “was convicted in the . . . United States District Court for Maryland[] of the offense of [c]onspiracy to traffic in controlled substances.” The source of that claim is Truesdale's brief.

In 2010, Truesdale filed a petition, requesting coram nobis relief on the grounds that “the record does not adequately demonstrate that he understood the elements of [t]he offense to which he pled guilty” and that defense counsel “performed deficiently.” Truesdale further

¹For consistency, we shall refer to appellant as “Truesdale.”

²The writ of coram nobis

is a collateral challenge to a criminal conviction[.] It is a remedy for a convicted person who is not incarcerated and not on parole or probation. To be eligible for coram nobis relief, several requirements must be met: (1) the grounds for challenging the criminal conviction must be of a constitutional, jurisdictional or fundamental character; (2) the coram nobis petitioner must be suffering or facing significant collateral consequences from the conviction; (3) the claim for which coram nobis relief is sought cannot be waived or finally litigated; and (4) the petitioner must show prejudice.

Graves v. State, 215 Md. App. 339, 348 (2013) (internal citations and quotations omitted), *cert. granted*, 437 Md. 637, *dismissed*, 441 Md. 61 (2014).

contended that “he [was] facing significant collateral consequences” as a result of that conviction, because it “substantially worsen[ed] his sentencing guideline range in federal court.” The court denied the petition.

Truesdale now contends that the circuit court erred in denying his coram nobis petition, because “[a]t no time did assigned counsel ever warn or advise [Truesdale] that [the] conviction could be used to subsequently enhance any future sentence.” We disagree for two reasons. First, there is no evidence in the record that Truesdale was ultimately convicted of an offense in the United States District Court or, if he was so convicted, that his 1997 conviction caused the Court to impose a sentence greater than that which he would have otherwise received. Hence, there is no evidence that Truesdale is suffering significant collateral consequences from the conviction. Second, defense counsel was not required to advise Truesdale that the conviction could subsequently be used to enhance a sentence. We rejected a similar claim in *Booze v. State*, 140 Md. App. 402 (2001), where we stated that a “prior conviction itself should constitute adequate warning that continuation of the same conduct will potentially result in a more harsh punishment.” *Id.* at 411. Hence, the court did not err in denying the petition.

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