

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0504

September Term, 2015

TRENT THOMAS

v.

STATE OF MARYLAND

Wright,
Graeff,
Eyler, James R.
(Retired, Specially Assigned),

JJ.

Opinion by Eyler, James R., J.

Filed: March 18, 2016

*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 2006, Trent Thomas, appellant, entered an Alford plea to second-degree murder and was sentenced by the Circuit Court for Baltimore City to a term of twenty years' imprisonment, all but 10 years suspended, to be followed by a five-year term of supervised probation. While serving this sentence, Thomas was convicted of violating § 9-417 of the Criminal Law Article (Crim. Law) of the Maryland Code which prohibits a person "detained or confined in a place of confinement" from knowingly possessing or receiving a "telecommunication device" and for violating Crim. Law, § 5-601(a) (possession of a controlled dangerous substance). The State then moved to revoke his probation in this case. Following a violation of probation hearing, the circuit court revoked his probation and ordered Thomas to serve ten years of his previously suspended sentence for murder, with the ten-year term to run from August 8, 2010. Thomas's application for leave to appeal that decision was denied by this Court. *Trent Thomas v. State of Maryland*, No. 164, Sept. Term, 2011 (filed March 6, 2012).

In 2014, Thomas filed a motion to correct an illegal sentence in which he asserted that, because his probationary term had not yet begun when he committed the new offenses while in prison, the court erred in revoking his probation and ordering him to serve the balance of his murder sentence. The circuit court denied the motion, and Thomas appealed. We affirm.

In *Matthews v. State*, 304 Md. 281 (1985), the Court of Appeals held that "a trial court has the authority to revoke probation for criminal acts committed after the imposition of sentence but before service of probation based on a condition implicit in the grant of probation that the defendant obey all laws." *Id.* at 292. In reaching that conclusion, the

Court noted that Art. 27, § 641A(b) (presently codified as § 6-225(b)(1)(iv) of the Criminal Procedure Article of the Maryland Code) provides that a court “may revoke or modify any condition of probation or may reduce the period of probation.” 304 Md. at 288. The Court then observed that “[t]his broad grant of authority to revoke probation does not contain any limitation as to when the power may be exercised” and hence, the Court determined that there was “no statutory bar to the revocation of probation before it has begun.” *Id.* at 288-289. The Court also noted that the “majority of state courts which have considered the question have reached the same result.” *Id.* at 289 (citations omitted). Thomas has not pointed to any change in the statutory scheme that would call into question the holding in *Matthews*.

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