

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2005

September Term, 2015

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RODNEY GREEN

v.

WARDEN

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Krauser, C.J.,  
Nazarian,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: October 31, 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 2011, Rodney Green, appellant, filed a second petition for writ of habeas corpus, in the Circuit Court for Baltimore City, claiming that his 7-year and 6-½ year consecutive sentences for violating his probation should run concurrently with, and not consecutive to, his 30-year sentence for second-degree murder, and that, based on the diminution credits he had accumulated, he should immediately be released. When the circuit court denied Green’s habeas petition, he appealed.

On appeal, we rejected Green’s claim that his 30-year sentence should run concurrently with his 7-year and 6-½ year consecutive sentences, because he had raised this issue previously in *Green v. Sowers*, No. 2436, Sept. Term, 2008 (Md. App. November 19, 2009) (*Green I*), an appeal from the denial of his first habeas petition, and, in that case, we had “made it very clear that the [7-year and 6-½ year] sentences [were] consecutive and not concurrent to his ‘present sentence.’” *See Greene v. Wolfe*, No. 1745, Sept. Term 2013 (Md. App. January 12, 2015) (*Green II*). We nevertheless noted a possible ambiguity in Green’s sentences: whether his 7-year sentence for violating probation was meant to run concurrently with a three-year sentence that had been imposed for wearing or carrying a shotgun and, if it was, whether that was correctly reflected in his Sentencing Calculation Worksheet. We therefore vacated the circuit court’s denial of Green’s habeas petition and remanded the case for the limited purpose of resolving that potential ambiguity.

On remand, the circuit court found that there was ambiguity as to whether the 3-year and 7-year sentences were to be served consecutive to or concurrently with one another, and resolved that ambiguity in favor of Green, finding that those sentences should

be served concurrently. The circuit court then reviewed Green’s Sentencing Calculation Worksheet and found that it reflected the correct sentence, “namely that the seven year sentence runs consecutive to the 30 year sentence and concurrently with the three year sentence.” Consequently, the court determined appellant was not being held illegally and denied his habeas petition.

Green then filed this appeal. He does not address, however, the issues that were decided by the circuit court on remand. Instead, as in his previous appeals, he contends that the circuit court erred in determining that his 7-year and 6-½ year sentences were to run consecutive to his 30-year sentence. Green’s claim is based on his apparent belief that this issue was decided in his favor in *Green I* and *Green II* and, therefore, that the circuit court’s decision on remand violates the “law of the case doctrine.”

We disagree. In *Green I*, we specifically held that appellant’s 7-year and 6-½ year sentences are *consecutive*, and not concurrent, to his 30-year sentence. In *Green II* we reiterated that there was “no ambiguity” in Green’s sentence and that this issue had been “finally litigated” in *Green I*. Because no controlling authority decided since *Green I* compels a different result, and appellant has not demonstrated that this Court’s decision was clearly erroneous or worked a manifest injustice, *Green I* remains the law of the case. *See Scott v. State*, 150 Md.App. 468, 474 (2003) (stating that “once a decision is established as the controlling legal rule of decision between the same parties in the same case it continues to be the law of the case.” (Internal quotation marks and citation omitted.))

Accordingly, the circuit court did not err, on remand, in determining that Green was not eligible to be released and therefore, in denying his petition for writ of habeas corpus.

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