

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 384

September Term, 2016

MICHAEL ANDRE SCOTT

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: May 3, 2017

*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.

Michael Andre Scott appeals the denial, by the Circuit Court for Montgomery County, of his petition for a writ of habeas corpus in which he claimed that he was imprisoned illegally because his sentence is ambiguous. Because Scott is not being held illegally, we affirm.

In 1991, Scott pleaded guilty to first-degree sexual offense and to use of a handgun in the commission of a felony or crime of violence in case no. 66052, and he pleaded guilty to first-degree rape and to use of a handgun in the commission of a felony or crime of violence in case no. 61488. The court sentenced Scott to a term of twenty years' imprisonment for the handgun offense, with all but five years suspended, and to a concurrent term of thirty years' imprisonment, with all but twenty years suspended, for first-degree sexual offense, the case no. 66052 convictions. As for case no. 61488, the court sentenced Scott to a term of thirty years' imprisonment, with all but twenty years suspended, for first-degree rape and to a concurrent term of twenty years' imprisonment, with all but five years suspended, for the handgun offense. The court ordered that the sentences in case no. 61488 were to run consecutive to the sentences imposed in case no. 66052. After imposing sentence, the court reiterated its intent that, "before [Scott] can do the second sentence [case no. 61488], he's going to have to finish the first sentence [case no. 66052]."

Over the years, Scott has filed no less than seven motions to correct an illegal sentence, all of which have been denied by the circuit court. In 2016, he filed a petition for a writ of habeas corpus. In that petition, he appeared to contend that, with respect to the case no. 61488 convictions, the sentencing court erred in running his sentence for the

handgun offense *concurrent* with rather than *consecutive* to his sentence for first-degree rape, which rendered his overall sentence “ambiguous.” The circuit court, as noted, denied the motion.

On appeal, Scott continues to maintain that his sentences are ambiguous. The record before us, however, refutes his claim. Because his sentences are legal and unambiguous, the circuit court properly denied Scott’s petition for a writ of habeas corpus.

**JUDGMENT OF THE CIRCUIT
COURT FOR MONTGOMERY
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**