Circuit Court for Allegany County
Case No. C-01-CR-18-000449

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0011

September Term, 2021

ROBERT MICHAEL BRIDGES

v.

STATE OF MARYLAND

Fader, C.J.,
Wells,
Adkins, Sally D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Fader, C.J.

Filed: February 3, 2022

In this appeal, we confront whether the Circuit Court for Allegany County erred when, in correcting a sentence that was illegal because it had been mistakenly imposed on a charge for which the appellant had not been convicted, the court imposed sentence on an unsentenced charge on which the appellant had been convicted. Applying the Court of Appeals' decision in *Ridgeway v. State*, 369 Md. 165 (2002), we hold that the trial court did not err.

Robert Michael Bridges, the appellant, pleaded guilty to two counts of first-degree burglary in Case No. C-01-CR-18-000449 ("No. 449"), identified as Counts 1 and 4 in that case. At sentencing in No. 449, the court announced that it was imposing two sentences, each of 20 years' incarceration with all but ten years suspended, to run consecutively. In doing so, however, the court, relying on an erroneous sentencing worksheet, mistakenly stated that one of the first-degree burglary sentences was imposed in No. 449 and the other in "the case ending in 397." The latter was a reference to Case No. C-01-CR-18-000397 ("No. 397"), a case charging a single, fourth-degree burglary offense as to which the State had previously entered a *nolle prosequi*. Neither Mr. Bridges nor the State called the issue to the court's attention before Mr. Bridges was removed from the courtroom. A short time later, after a clerk alerted the court to the problem, the court called the parties back to the courtroom, identified and explained the error, and announced that the sentence identified as imposed in No. 397 was instead imposed on Count 1 in No. 449. Neither party objected.

Mr. Bridges subsequently filed a motion to correct an illegal sentence, in which he argued that the sentence imposed on Count 1 of No. 449 is illegal. He acknowledges that the sentence purportedly initially imposed on the count in No. 397 was illegal, but contends

that the court's only remedy available to correct that illegality was to strike the sentence, without imposing a new one. The State contends that Mr. Bridges's current sentence is not subject to challenge because it is not inherently illegal and, if it is subject to challenge, that the court did not err in imposing it. We conclude that Mr. Bridges's claim is cognizable but that his sentence is not illegal because the court did not exceed its authority in correcting the illegal sentence it had previously imposed. Accordingly, we will affirm.

BACKGROUND

In December 2017, Mr. Bridges was charged in the District Court of Maryland for Allegany County with a single count of first-degree burglary, later amended to fourth-degree burglary. In May 2018, after Mr. Bridges prayed a jury trial, the case was transferred to the Circuit Court for Allegany County, where it was docketed as No. 397.

In July 2018, Mr. Bridges was charged in the Circuit Court for Allegany County in No. 449 with 18 counts of burglary and theft arising from incidents involving five different victims. Count 1 of No. 449 ("Count 1") charged first-degree burglary involving the house of the same victim that was the subject of the burglary charge in No. 397. Count 4 of No. 449 ("Count 4") charged first-degree burglary involving the dwelling of a different victim. The other 16 counts charged in No. 449 are not relevant to this appeal.

In August 2018, because the burglary charge from No. 397 had been incorporated into No. 449, the State entered a *nolle prosequi* as to No. 397.

In December 2018, Mr. Bridges pleaded guilty to Counts 1 and 4 of No. 449. During the plea colloquy, Mr. Bridges confirmed his intention "to plead guilty to two separate charges of burglary in the first degree." The prosecutor informed the court that at

sentencing, he intended to recommend a sentence of 20 years' imprisonment, with ten years suspended, on each count, to run consecutively, followed by a term of supervised probation.

The Sentencing Hearing

In January 2019, the court called No. 449 for a sentencing hearing. During the hearing, the prosecutor submitted to the court two sentencing guidelines worksheets, one for each of the two first-degree burglary counts to which Mr. Bridges had pleaded guilty. Although both worksheets set forth the guidelines for first-degree burglary convictions, one worksheet incorrectly listed the case number as No. 397.[1] The other worksheet correctly identified No. 449.

Consistent with his representation at the plea hearing, the prosecutor recommended a sentence of 20 years' incarceration, with all but ten years suspended, on each count, to run consecutively, followed by a term of probation. The overall recommended sentence was thus 40 years with all but 20 years suspended. The court thereafter announced the sentence, stating:

> [I]n the case ending in 397 the conviction, your conviction of burglary in the first degree the Court is going to impose 20 years of incarceration. I'm going to suspend 10 years of that. I'm going to place you on [] three years of supervised probation once you complete your sentence in that matter.
>
> . . .
>
> In the case ending in 449 on the conviction of burglary in the first-degree [], the Court imposes a sentence of 20 years of incarceration. I will suspend 10

[1] The record does not contain the incorrect version of the sentencing worksheet. Nonetheless, the parties agree that one of the worksheets initially provided to the sentencing court identified No. 397 as its case number.

years of that. It will, that sentence will be served consecutive to the [] sentence that was imposed in 397.

The court stood in recess at 9:40 a.m. and Mr. Bridges was removed from the courtroom.

Twenty-eight minutes later, at 10:08 a.m., the court recalled the case, and Mr. Bridges and his counsel returned to the courtroom. The following ensued:

THE COURT: [T]he purpose of recalling this is to make a, a clarification. When I was [] proceeding to sentencing I utilized the sentencing guidelines worksheet which was prepared by the State and it reflects two different case numbers. Burglary in the first-degree [], and page one reflects the case ending in 397. [The] second page is burglary in the first-degree and it references case 449. I think that was an error. The, my notes and my review of the file indicates that . . . Mr. Bridges back on December 13th pled guilty in, this is in the case ending in 449 to count one which was burglary in the first-degree and count four which was burglary in the first-degree. When I was referring to [] case ending in 397 that was erroneous. That was, should have been count one of [] the burglary in the first-degree as contained in case 449 [], and then when I was referring to the burglary in the first-degree charge in case 449 I was referring to count four of 449. And . . . we've got to revise the guidelines [] worksheet because there should be one case number and then there should be two counts.

THE STATE: And, and that was an error Your Honor.

THE COURT: Okay.

THE STATE: 397 is an older case where we . . . consolidated into the indictment into 449. So I can correct that as soon as I . . .

THE COURT: [I] needed to make that clear because I believe as part of this plea agreement we nol pros[s]ed everything that was in 397.

THE STATE: We did. . . .

[DEFENSE COUNSEL]: That's correct Your Honor.

THE COURT: I don't want there to be any question with regard to [ ] that.

The court then asked whether there was "anything else we need to do . . . to address this," to which both counsel answered, "No." As a result, the court sentenced Mr. Bridges to 20 years with ten years suspended as to each of Counts 1 and 4 of No. 449, to run consecutively.

The Motion to Correct Illegal Sentence

Following his sentencing, Mr. Bridges filed a motion to correct an illegal sentence pursuant to Rule 4-345(a), in which he contended that the only valid sentence the court had imposed was for 20 years, with ten years suspended, for one count of first-degree burglary in No. 449. Mr. Bridges argued that because he had never been convicted in No. 397, the sentence purportedly imposed on that case number was invalid, and that the court's attempt to correct the error by recalling the case constituted an impermissible increase in his sentence in violation of Rule 4-345. The State opposed the motion, arguing that the court had not increased Mr. Bridges's sentence when it imposed sentence on Count 1 in No. 449, but had merely corrected the case number under which one of the counts had been pronounced. The State also emphasized that the court's ultimate sentence was identical to the sentence contemplated by the plea agreement.

In a memorandum opinion, the motions court determined that the sentence initially announced as imposed under No. 397 was an illegal sentence, because Mr. Bridges had neither been tried nor pleaded guilty in that case, and that the sentencing court had properly corrected the illegality by striking it and imposing sentence on Count 1 in No. 449. The court therefore denied the motion.

After his counsel failed to timely appeal the denial of the motion, Mr. Bridges sought post-conviction relief and was granted the right to file a belated appeal. This appeal followed.

DISCUSSION

Appellate review of an order denying a motion to correct an illegal sentence is without deference. *Rainey v. State*, 236 Md. App. 368, 374 (2018); *accord Blickenstaff v. State*, 393 Md. 680, 683 (2006).

The court's revisory power over the sentencing of a defendant is governed by Rule 4-345. Two provisions of that Rule are particularly applicable here. First, Rule 4-345(a) provides that "[t]he court may correct an illegal sentence at any time." Second, Rule 4-345(c) provides: "The court may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding."[2]

I. MR. BRIDGES'S APPEAL IS NOT GOVERNED BY RULE 4-345(C).

Although neither party contends that the court's action was permissible pursuant to Rule 4-345(c), Mr. Bridges contends that that provision provides the appropriate framework for analysis of the circuit court's actions. He argues that the circuit court made an evident mistake in announcing his sentence when it improperly referenced No. 397, and

[2] Subsection (b) of Rule 4-345 provides courts with "revisory power over a sentence in case of fraud, mistake, or irregularity." Subsection (d) applies only to cases "involving desertion and non-support of spouse, children, or destitute parents." Subsection (e) permits modification of a sentence upon a motion filed within 90 days after imposition of a sentence. None of these provisions apply to Mr. Bridges's appeal.

that Rule 4-345(c) permitted the court to correct that evident mistake, but only up until the moment he left the courtroom. Once he left the courtroom, the court's only recourse upon learning of its mistake was to strike the illegal sentence announced with respect to No. 397, but not to take any action with respect to No. 449.

Rule 4-345(a) and (c) are not mutually exclusive provisions. To the contrary, it is possible, as occurred here, that an evident mistake in pronouncing a sentence can result in an illegal sentence. In that case, the evident mistake can be corrected before the defendant leaves the courtroom, pursuant to Rule 4-345(c), if caught in time. If not, because an illegal sentence may be corrected "at any time," the sentence would still be subject to correction later pursuant to Rule 4-345(a).

The Court of Appeals' decision in *Ridgeway v. State*, 369 Md. 165 (2002), is directly on point. There, the Court set out to "clarify the scope of authority that Maryland Rule 4-345 vests in the trial court to correct illegal sentences." *Id.* at 166. In that case, the defendant was alleged to have discharged a shotgun into a residence in which five individuals—two adults and three children—were sleeping, striking the two adults in the legs but not injuring the three children. *Id.* at 167. The State charged the defendant with, among other offenses, five counts of first-degree assault and five counts of reckless endangerment. *Id.* at 168. As relevant here, the jury convicted the defendant of two counts of first-degree assault and three counts of reckless endangerment. *Id.* At sentencing, however, the court announced sentences for five first-degree assault convictions, and said it regarded the reckless endangerment convictions "as merged." *Id.* at 168-69. Three hours later, after the clerk called the error to the court's attention, the court recalled the case,

struck the illegal sentences on the non-existent first-degree assault convictions, and imposed sentences on the three reckless endangerment convictions related to the child victims. *Id*. at 169.

On appeal, the first question the Court of Appeals addressed was whether the trial court's action was properly construed as correction of an illegal sentence, pursuant to Rule 4-345(a), or as correction of an "evident mistake in the announcement of a sentence," pursuant to what was then part of Rule 4-345(b).[3] The Court held that the trial court had acted pursuant to subsection (a), because the action was not simply to correct a mistake—although the circuit court had clearly made one—but rather, it was to correct an illegal sentence. *Id*. at 171. Indeed, the Court held, the trial court not only acted within its authority in correcting the illegal sentence imposed on the non-existent convictions, but had it not done so, the appellate courts would have had the authority to "vacat[e] and remand[] to the trial court for resentencing."[4] *Id.* at 171-72. In coming to that conclusion, the Court contrasted the facts before it from those in *State v. Sayre*, 314 Md. 559 (1989), in which the Court had determined that a circuit court lacked the authority to correct a sentence that was mistakenly announced as concurrent rather than consecutive, "because, quite simply, the original sentence was not illegal." *Ridgeway*, 369 Md. at 173.

[3] At the time *Ridgeway* was decided, the provision governing the correction of "an evident mistake in the announcement of a sentence" was contained in subsection (b) of Rule 4-345. In 2004, the Rule was amended, without substantive change, to move that provision into subsection (c) of Rule 4-345, where it has remained since. *See State v. Brown*, 464 Md. 237, 260 (2019).

[4] It is notable that the Court identified the prerogative of the appellate courts in that case as not merely vacating the improper sentences, but also remanding for resentencing.

We agree with Mr. Bridges and the State that once Mr. Bridges was removed from the courtroom, the court's evident mistake in announcing his sentence was no longer subject to correction pursuant to Rule 4-345(c). However, *Ridgeway* establishes that an evident mistake in announcing a sentence that results in an illegal sentence is subject to correction pursuant to Rule 4-345(a). We now turn to Mr. Bridges's contention that Rule 4-345(a) did not authorize the sentencing court's actions here.

II. MR. BRIDGES HAS RAISED A COGNIZABLE CLAIM UNDER RULE 4-345(A).

Before reaching the merits of Mr. Bridges's appeal, we must first address the State's contention that Mr. Bridges has not raised a cognizable claim under Rule 4-345(a) because his sentence was not inherently illegal. The State posits that, at most, the misstated case number was "a procedural irregularity" on a lawfully imposed sentence, which the court corrected when it recalled the case. Mr. Bridges contends that he has properly raised a claim under Rule 4-345(a) because, having already announced a sentence in No. 449 as to Count 4, the circuit court was without the power or authority to impose an additional sentence in No. 449, as to Count 1. We agree with Mr. Bridges that he has alleged a cognizable claim under Rule 4-345(a).

"An 'illegal sentence' is defined as one 'in which the illegality inheres in the sentence itself.'" *Garcia v. State*, 253 Md. App. 50, __ (2021) (quoting *Chaney v. State*, 397 Md. 460, 466 (2007)). An illegality inheres in the sentence when "there either has been no conviction warranting any sentence for the particular offense or the sentence is not a permitted one for the conviction upon which it was imposed and, for either reason, is intrinsically and substantively unlawful." *Colvin v. State*, 450 Md. 718, 725 (2016)

(quoting *Chaney*, 397 Md. at 466); *accord Rainey*, 236 Md. App. at 374. The Rule's scope is narrow, such that "only claims sounding in substantive law, not procedural law, may be raised through a Rule 4-345(a) motion." *Colvin*, 450 Md. at 728.

By contrast, "where the sentence imposed is not inherently illegal, and where the matter complained of is a procedural error, the complaint does not concern an illegal sentence for purposes of Rule 4-345(a)." *Tshiwala v. State*, 424 Md. 612, 619 (2012). "A sentence does not become 'an illegal sentence because of some arguable procedural flaw in the sentencing procedure.'" *Id.* (quoting *State v. Wilkins*, 393 Md. 269, 273 (2006)); *see also, e.g.*, *Hoile v. State*, 404 Md. 591, 621-22 (2008); *Bratt v. State*, 468 Md. 481, 505 (2020) (concluding that a credit calculation error "was separate and apart from the sentence imposed" and not subject to correction under Rule 4-345(a)); *Wilkins*, 393 Md. at 284 (stating that the illegality must "inhere in the sentence, not in the judge's actions"). When the resulting sentence is lawful, an allegation that a procedural error occurred during the sentencing proceeding ordinarily cannot be raised under Rule 4-345(a). *Tshiwala*, 424 Md. at 618.

In *Johnson v. State*, 427 Md. 356, 378, 380 (2012), the Court of Appeals held that a motion to correct an illegal sentence is cognizable when the defendant contends that the trial court lacked the power or authority to impose a sentence. There, a grand jury indicted Mr. Johnson for a number of offenses, but not for assault with intent to murder. *Id.* at 362-63. Although not charged in the indictment, assault with intent to murder was included on the verdict sheet, the court instructed the jury on it, the jury returned a verdict of guilty on it, and the court imposed a 30-year sentence for it. *Id.* at 363. Mr. Johnson's counsel

did not raise at trial or on direct appeal any argument that his conviction (or sentence) for assault with intent to murder was illegal because the grand jury had not indicted him for that crime. *Id.* Instead, Mr. Johnson raised that issue only later in a motion to correct an illegal sentence under Rule 4-345(a). *Id.*

In considering whether it could entertain Mr. Johnson's claim under Rule 4-345(a), the Court of Appeals observed that "[t]here is no simple formula to determine which sentences are 'inherently illegal' within the meaning of" the Rule. *Id.* at 368. However, the Court noted, one type of illegal sentence consistently held as within the scope of Rule 4-345(a) is "where *no sentence or sanction should have been imposed*." *Id.* (quoting *Alston v. State*, 425 Md. 326, 339 (2012)) (emphasis added by *Johnson*). The Court summarized a number of cases standing for that proposition, all of which the Court found to involve allegations "that the trial court, for various reasons, lacked the power or authority to impose the contested sentence." *Johnson*, 427 Md. at 370. The Court found Mr. Johnson's claims to be "in the same mold, as he argue[d] that the trial court 'did not have the power to render a verdict and impose a sentence on the uncharged offense of assault with intent to murder.'" *Id.* at 370-71 (quoting appellant's argument).

On the merits, the Court agreed with Mr. Johnson that he could not be convicted or sentenced for a crime that had not been charged in the indictment. *Id.* at 375. The Court then stated that "[w]hen the illegality of a sentence stems from the illegality of the conviction itself, Rule 4-345(a) dictates that both the conviction and the sentence be vacated." *Id.* at 378. Having concluded that the court lacked the power or authority to

impose a sentence for a conviction on a charge that had not been included in the indictment, the Court directed the circuit court to vacate both. *Id.*

Returning to the present appeal, the crux of Mr. Bridges's claim is that once the circuit court sentenced him on one count of first-degree burglary in No. 449, and permitted him to leave the courtroom, the court lacked the power or authority to later sentence him on a second count of first-degree burglary in that case. He contends that "there is no other legal authority permitting a court to impose sentence under a count in a case after the court has announced its sentence in that case and the defendant has left the courtroom." His contention is thus rooted not in procedure but in the court's substantive authority to impose a sentence at all in that circumstance. Pursuant to *Johnson*, his claim is cognizable.

In arguing to the contrary, the State observes that Mr. Bridges's sentence is a permissible one for first-degree burglary, the crime to which he pleaded guilty in Count 1 of No. 449. The State contends that the error Mr. Bridges alleges—initially identifying the incorrect case number and then later correcting it once Mr. Bridges returned to the courtroom—is merely a procedural error that does not rise to the level of a substantive illegality for purposes of Rule 4-345(a). Of course, it was also true that the sentence imposed in *Johnson* was a permissible sentence for assault with intent to murder, and in that case there were not even any procedural irregularities in the imposition of the sentence itself. But the illegal sentence claim was cognizable under Rule 4-345(a) because it challenged the court's power or authority to impose a sentence at all on that conviction.[5]

[5] Similarly, our appellate courts have recognized that Rule 4-345(a) may be invoked "[w]here there is a claimed violation of double jeopardy by the imposition of multiple

Mr. Bridges similarly contends that at the time it imposed sentence on Count 1 of No. 449, the sentencing court lacked the power or authority to impose a sentence at all.[6]

III. THE SENTENCING COURT PROPERLY CORRECTED MR. BRIDGES'S ILLEGAL SENTENCE PURSUANT TO RULE 4-345(A).

Mr. Bridges contends that the sentence imposed on Count 1 of No. 449 was illegal. He reasons that the illegality of the court's initial sentence imposed on the non-existent conviction in No. 397 was fully corrected by striking that sentence, leaving nothing else to be done in that case. And because the court had already imposed its sentence in No. 449 when it sentenced Mr. Bridges based on a single conviction of first-degree burglary, it could not impose a sentence on the other first-degree burglary conviction in that case.

The State, relying on the Court of Appeals' decision in *Ridgeway v. State*, 369 Md. 165 (2002), responds that the court was fully within its authority to impose a sentence on Count 1 in No. 449 as part of its correction of the initial illegal sentence. We agree. As discussed above, in *Ridgeway*, the Court held that Rule 4-345(a) governed the trial court's action in striking three sentences imposed on non-existent first-degree assault convictions and then imposing sentences on three convictions for reckless assault against the same victims. 369 Md. at 171. The Court then addressed the defendant's contention that the

sentences for the same crime," because in that case "the alleged illegality occurs at the imposition of the sentence[.]" *Rainey*, 236 Md. App. at 375 n.5.

[6] The State also asserts that Mr. Bridges waived his appellate claim because he did not object during the sentencing hearing and "agreed with the court" that nothing further needed to be done. However, if a sentence is illegal under the meaning of Rule 4-345(a), "it may be corrected at any time and even if: '(1) no objection was made when the sentence was imposed, (2) the defendant purported to consent to it, or (3) the sentence was not challenged in a timely-filed direct appeal.'" *Bratt*, 468 Md. at 498 (quoting *Chaney*, 397 Md. at 466).

circuit court had exceeded its authority under Rule 4-345(a) when it imposed the new sentences on the reckless endangerment convictions. *Id.* at 173.

The Court confronted the defendant's contention that the circuit court lacked the authority to impose those sentences because, by failing to initially specify a sentence for those convictions, it had implicitly imposed a sentence of zero years on each of them, and could not later increase those sentences. *Id.* at 173-74. The Court rejected that argument, agreeing with this Court "that the failure to sentence for the reckless endangerment count, or the merger of that count with the first degree assault count, does not amount to a sentence of zero years for reckless endangerment."[7] *Id.* at 173. In doing so, the Court distinguished its decision in *Fabian v. State*, 235 Md. 306 (1964), where it had held that the failure to impose a sentence "may be treated as a suspended sentence for purposes of allowing the defendant to appeal those convictions." *Ridgeway*, 369 Md. at 173. In *Ridgeway*, by contrast, the court had failed to impose a sentence on the reckless endangerment counts only because it "erroneously, and arguably impossibly, merged" those convictions with the non-existent first-degree assault convictions. *Id.* at 173-74. The Court then concluded:

[7] In this appeal, Mr. Bridges also argues that the court's sentence on Count 1 violated his right to be free from double jeopardy. In doing so, Mr. Bridges makes essentially the same argument as did the defendant in *Ridgeway*, contending that the court's initial failure to sentence him on that count effectively amounted to the imposition of a zero or fully suspended sentence. The Court's analysis in *Ridgeway* is dispositive of that claim. The circuit court's failure to impose a sentence on Count 1 initially was just that, not a zero sentence or one that was fully suspended. Moreover, under the circumstances, Mr. Bridges had no legitimate expectation of finality in the absence of a sentence imposed initially on Count 1. *See Antoine v. State*, 245 Md. App. 521, 561 (2020) ("[T]he Double Jeopardy Clause does not require that a sentence be given a degree of finality that prevents its later increase." (quoting *United States v. DiFrancesco*, 449 U.S. 117, 137 (1980))).

> Thus, Rule 4-345(a) is the applicable provision, as the sentencing court's decision to recall the parties was unequivocally and necessarily to correct the illegal sentence. *The petitioner's subsequent sentences for the reckless endangerment counts were legally imposed.*

Id. at 174 (emphasis added).

In a concurring opinion, Judge Wilner, joined by Judge Raker, expressed agreement with the majority's conclusion that the circuit court's reckless endangerment sentences were permissible, but disagreed with the majority's rationale. *Id.* at 175 (Wilner, J., concurring). Judge Wilner rejected the majority's rationale that the new sentences imposed on the reckless endangerment convictions were permissible as part of the court's correction of the illegal sentences imposed on the non-existent first-degree assault convictions. *Id.* Judge Wilner reasoned, as Mr. Bridges does in this appeal, that once the first-degree assault convictions were struck, "the court could, if it wished, have declined to enter any sentence on the reckless endangerment convictions. It was not compelled, as part of correcting the illegal sentences imposed on the assault convictions, to do anything with respect to the reckless endangerment convictions." *Id.* Nonetheless, Judge Wilner believed that the subsequently entered reckless endangerment sentences were permissible for the simple reason that "no sentences had yet been imposed" on those counts. *Id.* at 175-76.

Ridgeway is dispositive of Mr. Bridges's contentions before us. As in *Ridgeway*, the circuit court here mistakenly announced an illegal sentence. As in *Ridgeway*, the circuit court here then called the parties back to the courtroom and, effectively, struck the illegal sentence issued on the non-existent conviction in No. 397 and, as part and parcel of that

decision, entered a sentence on the intended Count 1 of No. 449.[8] The source of the court's authority to do so was Rule 4-345(a) and *Ridgeway*.

Mr. Bridges's arguments in attempting to distinguish *Ridgeway* are unavailing. He argues that *Ridgeway* is distinct from his case because: (1) the merger of the reckless endangerment counts in *Ridgeway* "was inseparable from the illegality," and so unwinding it and imposing a sentence on those counts was actually part of correcting the illegality, whereas here there is no such relationship between the counts; and (2) the illegal sentence here was imposed in a different case, No. 397, and so correcting the illegality did not justify taking any action in No. 449. On the first point, we think Mr. Bridges misreads *Ridgeway*. The majority did not characterize the merger of the reckless endangerment counts as illegal or as inseparable from the illegality in the first-degree assault convictions. Instead, it characterized the merger as "erroneous[], and arguably impossibl[e]." *Ridgeway*, 369 Md. at 173-74. By failing to impose a sentence on those counts, they remained extant to the same extent as Count 1 of No. 449 here. To that extent, it is notable that the Court of Appeals characterized the circuit court's initial action with respect to the reckless endangerment counts as "the failure to sentence for the reckless endangerment count, or the merger of that count with the first degree assault count[.]" *Id.* at 173. The difference was not material to the Court's decision.

[8] Although the sentencing court did not expressly state that it was striking the sentence in No. 397, the motions court construed the sentencing court as having done so, and in this appeal Mr. Bridges agrees that that is "effectively" what the sentencing court did. We agree.

On the second point, although the circuit court's error here was in identifying the non-existent conviction by reference to a different case number, we disagree with Mr. Bridges that the court sentenced him in a different case. The court called only one case for sentencing—No. 449—and Mr. Bridges had been convicted in only that case. The illegality was that in sentencing Mr. Bridges in No. 449, the court announced the imposition of a sentence on a non-existent conviction, just as in *Ridgeway*.

Mr. Bridges also argues strenuously that all the circuit court was required to do to eliminate the illegality in the sentence originally imposed was to strike the sentence imposed on the non-existent conviction, and that because nothing more was necessary to correct the illegality, the court was powerless to act further to impose a sentence on a count where none had previously been imposed. In the absence of *Ridgeway*, we might have found that argument persuasive. However, as Judge Wilner pointed out in his concurrence in *Ridgeway*, the majority in that case did not adopt that reasoning. Instead, the majority held that because "recall[ing] the parties was unequivocally and necessarily to correct the illegal sentence[, t]he petitioner's subsequent sentences for the reckless endangerment counts were legally imposed."[9] *Id*. at 174. Applying that same rationale here, because

[9] The majority in *Ridgeway* did not comment on Judge Wilner's view that, even if not permissible as part of correcting the illegal sentences, the circuit court's sentencing on the reckless endangerment counts was nonetheless permissible for the simple reason that no sentence had yet been imposed on those counts. *See Ridgeway*, 369 Md. at 175-76 (Wilner, J., concurring). At oral argument in this case, the State declined to fully embrace that alternative argument. Because we decide this case based on the holding in *Ridgeway*, we need not decide whether the rationale advocated by the concurrence is a correct statement of Maryland law that would provide an alternative justification for affirming the circuit court's action here.

recalling the parties was necessary to correct the initial illegal sentence, the subsequent sentence for first-degree burglary was legally imposed.[10]

In sum, the sentencing court lawfully corrected Mr. Bridges's sentence pursuant to Rule 4-345(a). We therefore affirm the denial of his motion to correct illegal sentence.

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

[10] Although we do not rely on it, we also observe that the result in *Ridgeway* and here is consistent with the Court of Appeals' decision in *Twigg v. State* and its progeny, which recognize that when one component of a criminal sentence is overturned on appeal, thus disrupting the sentencing "package," the appellate court has discretion to vacate all sentences "to provide the [trial] court maximum flexibility on remand to fashion a proper sentence that takes into account all of the relevant facts and circumstances." 447 Md. 1, 30 n.14 (2016); *see also Johnson v. State*, 248 Md. App. 348 (2020). Although our appellate courts have not had occasion to determine whether a *Twigg* resentencing approach applies when one sentence in a sentencing package is determined to be illegal, other courts have applied it in that context. *See United States v. Martenson*, 178 F.3d 457, 464 (7th Cir. 1999) (holding that the trial court had authority to re-bundle the defendant's sentence on a motion to correct illegal sentence to "effectuat[e] the court's original sentencing intentions"); *State v. Goncalves*, 941 A.2d 842, 848 (R.I. 2008) (holding that "a hearing justice who corrects an illegal sentence . . . may correct the entire initial sentencing package to preserve the originally intended sentencing scheme"); *State v. Raucci*, 575 A.2d 234 (Conn. App. 1990) (stating that trial courts have authority to re-bundle after the correction of an illegal sentence). Here, of course, the circuit court itself unwrapped the sentencing package by removing the illegality of its initial sentence. Even if Mr. Bridges were correct that the absence of imposition of an initial sentence on Count 1 of No. 449 were the equivalent of a zero sentence—which, as explained above, it was not—it would still be consistent with *Twigg* to afford the court the opportunity to refashion the sentencing package to align with the sentencing court's intent.