

Circuit Court for Worcester County  
Case No. C-23-CR-21-000134

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 220

September Term, 2025

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MANUEL ARMANDO ESCALANTE, JR.

v.

STATE OF MARYLAND

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Arthur,  
Shaw,  
Beachley, Donald E.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: March 23, 2026

\*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Manuel Armando Escalante, Jr., appellant, appeals from the denial, by the Circuit Court for Worcester County, of a “Motion to Vacate and/or Correct an Illegal Sentence ‘Pursuant to [R]ule 4-345(a)’” (hereinafter “motion to vacate or correct”). For the reasons that follow, we shall affirm the judgment of the circuit court.

On May 28, 2021, Mr. Escalante was charged by criminal information with attempted first degree murder and related offenses. On April 19, 2022, Mr. Escalante appeared before the court for a plea hearing. The prosecutor stated that Mr. Escalante would submit an *Alford* plea to first degree assault, “carrying a maximum penalty of up to 25 years.” The prosecutor stated: “The State is going to be recommending a sentence of 15 years in the Division of Corrections, suspend all but seven years active in the Division of Corrections with a guidelines range of seven to 13 years.” Following the prosecutor’s remarks, defense counsel stated: “That’s my understanding, Your Honor. That’s what I’ve conveyed to my client.”

During the plea colloquy, the court asked Mr. Escalante, in pertinent part: “Do you understand that the maximum penalty for that offense is 25 years of incarceration?” Mr. Escalante replied: “Yes, sir.” The following colloquy then occurred:

[THE COURT: T]he State has calculated that your guidelines are seven to 13 years in this case. The State of Maryland guidelines are just that, they are guidelines. They are not mandatory on the Court. They are a suggestion of a sentencing range that would be appropriate throughout the State of Maryland.

Is that your understanding of the agreement that you’ve reached with the State of Maryland?

MR. ESCALANTE: Yes, sir.

[THE COURT]: Do you have any questions about the plea agreement?

MR. ESCALANTE: Not at the moment, sir.

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[THE COURT]: The sentence you receive, sir, is for the Court to decide. I can impose any sentence up to and including the maximum if I thought that that was appropriate. Do you understand that?

MR. ESCALANTE: Yes, sir.

[THE COURT]: I'm not bound by any recommendation that the State is requesting or stating. I'm not bound by any request that you and your attorney may make on your behalf. Do you understand that?

MR. ESCALANTE: Yes. Correct.

[THE COURT]: And if my sentence differs in any way from what either the State is requesting or from what you and what your attorney are requesting, that would not be a basis for you to then withdraw your guilty plea. Do you understand that?

MR. ESCALANTE: Yes, sir.

[THE COURT]: Are you clear on that?

MR. ESCALANTE: Yes, sir.

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[THE COURT]: Other than the plea agreement has anyone made any promises in an effort to have you give up those rights?

MR. ESCALANTE: No, Your Honor.

The court subsequently convicted Mr. Escalante of the offense. Following argument, the court imposed a term of imprisonment of 25 years.

On January 25, 2025, Mr. Escalante filed the motion to vacate or correct, in which he contended: “I pleaded guilty to a 7 year sentence, because my attorney, the State, and [the] sentencing judge said I can only get 7-13 years for this case[,] but I was given 25 years which exceeded my guideline range making my sentence illegal.” The court denied the motion.

Mr. Escalante contends that, for three reasons, the court erred in denying the motion. Mr. Escalante first contends that the court was required to impose a term of imprisonment of fifteen years, all but seven years suspended. We disagree. At the plea hearing, the court explicitly told Mr. Escalante that the maximum penalty for first degree assault is a term of imprisonment of 25 years, the court could “impose any sentence up to and including the maximum,” the court was “not bound by any recommendation that the State is requesting or stating” or “any request that [Mr. Escalante and defense counsel] may make,” and that a different sentence “would not be a basis . . . to then withdraw [the] plea.” The court also explicitly told Mr. Escalante that the sentencing guidelines range of seven to thirteen years was “not mandatory on the [c]ourt” and was only “a suggestion.” Mr. Escalante replied that he understood and that no one had “made any [other] promises in an effort to have [him] give up [his] rights.” Under these circumstances, the court was not required to impose a term of imprisonment of fifteen years, all but seven years suspended.

Mr. Escalante next contends that the court erred in “us[ing] a prior conviction . . . that took place . . . in . . . 1992 . . . to reject the 7 year plea agreement.” But, Mr. Escalante did not present this contention in the motion to vacate or correct. Also, the court, for the

aforementioned reasons, was not required to impose an executed term of imprisonment of seven years. Hence, we shall not address the contention.

Finally, Mr. Escalante contends that the court “was suppose[d] to inform all parties that the plea agreement was rejected . . . and that the defendant may withdraw the plea.” But, the court did not reject the plea agreement, and for the aforementioned reasons, did not violate the agreement. Hence, the court did not err in denying the motion to vacate or correct.<sup>1</sup>

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

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<sup>1</sup>Mr. Escalante also challenges the court’s denial of a second motion to vacate or correct, filed on March 12, 2025, and in which he effectively raised the same contention raised in the first motion to vacate or correct. But, Mr. Escalante did not file a notice of appeal from the denial of the second motion. Hence, the denial of the second motion is not before us.