

Circuit Court for Baltimore City
Case No: 198005048

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 517

September Term, 2020

RONALD HASKINS

v.

STATE OF MARYLAND

Fader, C.J.
Ripken,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 30, 2021

*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 1999, Ronald Haskins was convicted of first-degree assault, use of a handgun in the commission of a felony or crime of violence, and related offenses based on evidence that he shot a woman. The court sentenced him to 20 years' imprisonment for the handgun offense and to a consecutively run term of 20 years for the first-degree assault. (The remaining convictions were merged for sentencing purposes.) This Court affirmed the judgments on direct appeal. *Haskins v. State*, No. 926, September Term, 1999 (filed August 29, 2000).

Twenty years later, Mr. Haskins filed a Rule 4-345(a) motion to correct an illegal sentence in which he maintained that the sentencing court erred in failing to merge—either under the required evidence test or the rule of lenity—the handgun offense into the first-degree assault conviction for sentencing purposes. The circuit court concluded that merger was not required under either theory, and denied the motion.

On appeal, Mr. Haskins repeats the claims he made in his motion before the circuit court. We shall affirm the judgment because the circuit court correctly determined that merger was not required and, therefore, Mr. Haskins' sentences are legal.

The short answer is that, “even [if] two offenses may be deemed the same under the required evidence test, separate sentences may be permissible, at least where one offense involves a particularly aggravating factor, if the Legislature expresses such an intent.” *Whack v. State*, 288 Md. 137, 143 (1980) (upholding separate sentences for robbery with a dangerous and deadly weapon and use of a handgun in the commission of a felony where both convictions were based upon a single act of robbery with a handgun). The legislature has expressed a clear intent that a penalty for use of a handgun in the

commission of a felony or crime of violence shall be in *addition to* any other punishment for the underlying felony or crime of violence. *See* Article 27, § 36B(d) of the Md. Code (1957, 1996 Repl. Vol.) (presently codified as § 4-204(b)(1) of the Criminal Law Article of the Md. Code)).

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