

Circuit Court for Prince George's County  
Case No. CT881651X

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 888

September Term, 2020

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WILLIAM BAILEY

v.

STATE OF MARYLAND

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Shaw Geter,  
Zic,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: August 2, 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.

William Bailey, appellant, contends that the Circuit Court for Prince George’s County erred in denying his motion to correct illegal sentence. For the reasons that follow, we shall affirm the judgment of the circuit court.

In February 1989, Mr. Bailey was convicted by a jury in the circuit court of first degree rape by “plac[ing the victim] in fear that she would be imminently subject to serious physical injury,” second degree rape, assault with intent to rape, three counts of first degree sexual offense by “placing [the victim] in fear that she would be imminently subjected to serious physical injury,” sodomy, three counts of second degree sexual offense, false imprisonment, and assault and battery. The jury acquitted Mr. Bailey of first degree rape “by displaying a handgun,” three counts of first degree sexual offense “by displaying a handgun,” kidnapping, and use of a handgun. The court subsequently sentenced Mr. Bailey to a term of life imprisonment for the first degree rape, a concurrent term of fifteen years’ imprisonment for the assault with intent to rape, a concurrent term of life imprisonment for the first count of first degree sexual offense, a consecutive term of life imprisonment for the second count of first degree sexual offense, and a consecutive term of life imprisonment for the third count of first degree sexual offense. The court generally suspended sentence for the false imprisonment, and merged the remaining counts.

In June 2020, Mr. Bailey filed the motion to correct illegal sentence, in which he contended that all of his sentences are illegal because he “was never formally charged with [the] 19 count indictment by any means.” Alternatively, Mr. Bailey contended that his sentences for the second and third counts of first degree sexual offense are illegal because

they “were not . . . lesser included offense[s] of the first count[], but . . . in fact the same offense.” The court subsequently denied the motion.

Mr. Bailey first contends that the court “was deprived of jurisdiction over the subject matter,” because he “was never served notice of [the] 19 count indictment.” We disagree. Rule 4-213 states that in the circuit court, a defendant’s initial appearance, at which the defendant is “inform[ed] of each offense with which the defendant is charged,” “occurs when the defendant (1) is brought before the court by reason of execution of a warrant . . . or (2) appears in person or by written notice of counsel in response to a summons.” Here, the record reflects that eight days after the court issued a summons for Mr. Bailey’s appearance, defense counsel filed a written entry of appearance. Mr. Bailey was thus informed of the offenses with which he was charged, and hence, the court was not deprived of jurisdiction.

Mr. Bailey next contends that the court “punish[ed him] for crimes [of] which he was acquitted,” because the counts of rape and first degree sexual offense of which he was convicted and the counts of which he was acquitted were “in fact the same offense[s].” We disagree. The Court of Appeals has held that “[w]here there is more than one ground for a verdict on a criminal charge, [and] the ramifications of a guilty verdict on that charge will be different depending upon the ground chosen by the jury, the obvious way to deal with the situation is . . . to give the jury adequate advisory instructions.” *State v. Frye*, 283 Md. 709, 723 (1978) (citations omitted). Here, the record reflects, and Mr. Bailey does not dispute, that the court instructed the jury that there was more than one ground for a verdict

on the charges. Hence, Mr. Bailey was not sentenced “for crimes [of] which he was acquitted.”

Finally, Mr. Bailey contends that the court “never ascertained which theory . . . the jury selected to convict.” We disagree. The jury instructions, verdict, and verdict sheet reflect that the jury convicted Mr. Bailey of the charges committed by “plac[ing the victim] in fear that she would be imminently subject to serious physical injury,” and acquitted him of the charges committed “by displaying a handgun.” The theory on which the jury convicted Mr. Bailey is clear, and hence, the court did not err in denying the motion to correct illegal sentence.

**JUDGMENT OF THE CIRCUIT COURT  
FOR PRINCE GEORGE’S COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**