

Circuit Court for Charles County  
Case No. 08-CR-17-000486

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1133

September Term, 2018

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RICHARD STEVEN THAMES

v.

STATE OF MARYLAND

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Nazarian,  
Wells,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: August 7, 2019

\*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.

Following a jury trial in the Circuit Court for Charles County, Richard Thames, appellant, was convicted of second-degree escape. His sole contention on appeal is that the court erred in allowing the State to introduce the factual bases of his prior convictions at sentencing because the State did not provide pre-sentence notice of its intent to use that information, as required by Maryland Rule 4-342(c) (requiring the State’s Attorney to disclose to the defendant or counsel any information that it expects to present to the court at sentencing sufficiently in advance of sentencing to afford the defendant a reasonable opportunity to investigate). However, at the sentencing hearing, Mr. Thames did not claim that the State had failed to comply with Rule 4-342 (c) or request a continuance, the only remedy that is available for a violation of that Rule. Rather, he argued that the State should not discuss the underlying facts of his prior convictions because they “didn’t come into evidence” at trial, were hearsay, and were “not what we’re here for.” Consequently, this claim is not preserved for appellate review. *See* Maryland Rule 8-131(a). And although Mr. Thames does not specifically ask us to do so, we decline to exercise our discretion to engage in “plain error” review of this issue.

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