

Circuit Court for Cecil County
Case No. C-07-CR-18-001090

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1173

September Term, 2024

KI'REE REAMS

v.

STATE OF MARYLAND

Berger,
Tang,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 28, 2025

*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.

Ki'Ree Reams, appellant, challenges the denial, by the Circuit Court for Cecil County, of a “Motion to Apply Credit for Time Served” (hereinafter “motion for credit”). For the reasons that follow, we shall vacate the judgment of the circuit court and remand the case for further proceedings.

On December 9, 2019, Mr. Reams pleaded guilty to armed robbery. The court imposed a term of imprisonment of five years, suspended all but time served, and imposed a term of probation of two years. On September 17, 2021, the court issued a warrant for Mr. Reams for violation of probation. On April 12, 2024, Mr. Reams appeared before the court and admitted to violating his probation. The State asked the court to “impose the balance of the sentence.” Mr. Reams asked the court to award him credit for the period from August 31, 2023, to February 19, 2024, on the ground that he was incarcerated in the state of Delaware during that time. The court subsequently found Mr. Reams to have violated his probation, imposed a term of imprisonment of “the balance of [the] sentence,” and awarded credit for time served “from February 20, 2024 to” the date of the hearing.

On May 10, 2024, Mr. Reams filed the motion for credit, in which he again requested that the court “apply credit to his sentence for the period of time he was incarcerated between August 31st, 2023 and February 19th, 2024, a period of 173 days.” Mr. Reams attached to the motion a letter from Lauren Dotson of Central Offender Records, Department of Correction, State of Delaware. In the letter, Ms. Dotson stated:

Mr. Reams was held on the following:

Case 2308015854 from 08/31/23 – 02/19/24

Discharge Firearm on Street	Dismissed
Poss Deadly Weapon by Person Proh	Dismissed
Poss Firearm during Comm of Felony	Nolle Pros

Assault 1st

Nolle Pros

Poss Firearm By Pers Proh

Nolle Pros

He was then booked as a fugitive for Cecil County the following day on 02/20/24, where he was extradited from Delaware on 02/23/24.

At a hearing on the motion, the court recognized that “from August 21 [sic], 2023, until February 19, 2024,” Mr. Reams “was held in Delaware for an unrelated charge.” Nevertheless, the court denied the motion, stating in pertinent part: “Because he was not held, it was a Delaware matter that was subsequently nolle prossed. He was served promptly with the warrant, and he got credit for all time after he was served with the warrant.”

Mr. Reams contends that, for numerous reasons, the court erred in denying the motion. The State concurs, as do we. Md. Code (2001, 2018 Repl. Vol., 2023 Supp.), § 6-218(b)(2) of the Criminal Procedure Article (“CP”), states that “[i]f a defendant is in custody because of a charge that results in a dismissal or acquittal, the time that would have been credited if a sentence had been imposed shall be credited against any sentence that is based on a charge for which a warrant or commitment was filed during that custody.” Also, we have stated that “[a]ll of the subsections [of CP § 6-218] apply to time spent in custody in other jurisdictions.” *Wilson v. Simms*, 157 Md. App. 82, 96 (2004) (citation omitted) (citing *Chavis v. Smith*, 834 F.Supp. 153, 159 (D. Md. 1993) (“it is clear that [the predecessor to CP § 6-218] mandates Maryland credit for prison time served in any state which is not for any valid criminal conviction”)). Finally, the Supreme Court of Maryland has stated that “the term ‘dismissal,’ as used in [CP §] 6-218(b)(2), must be interpreted to include dismissal with or without prejudice, including disposition by nolle prosequi.”

Gilmer v. State, 389 Md. 656, 675 (2005). Accordingly, we vacate the judgment of the circuit court and remand with instructions to grant the motion for credit and award against the sentence for violation of probation an appropriate amount of credit for time served.

**JUDGMENT OF THE CIRCUIT COURT
FOR CECIL COUNTY VACATED. CASE
REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION. COSTS TO BE PAID BY
CECIL COUNTY.**