

Circuit Court for Baltimore City
Case No: 103205020

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1482

September Term, 2019

HAROLD SINGFIELD

v.

STATE OF MARYLAND

Graeff,
Berger,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 5, 2020

*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 2008, the Circuit Court for Baltimore City accepted the appellant, Harold Singfield's, guilty plea to second-degree murder and use of a handgun in the commission of a crime of violence. The court sentenced him to 20 years' imprisonment, all but 15 years suspended, for the handgun offense and to a consecutively run term of 20 years, all suspended, for the murder, to be followed by a four-year period of probation.

In 2018, the court found that Mr. Singfield had violated conditions of his probation, revoked his probation, and informed him that the "balance of your sentences shall be imposed." The court ordered that the time be served consecutively to a sentence Mr. Singfield was then serving in another case. The commitment record that was then issued reflected a term of 15 years for the handgun offense and a consecutively run term of 20 years for the murder, and stated that the "total time to be served is 35 yrs." The commitment record also noted that the "[c]ommitment is for execution of previously suspended time after Defendant was found in violation of probation."

Mr. Singfield filed a Rule 4-345(a) motion to correct an illegal sentence in which he asserted that he was facing 25 years, not 35 years, of back-up time, and therefore the sentence ordered executed after the revocation of his probation was illegal. The circuit court summarily denied the motion. Mr. Singfield appeals that ruling. The State concedes that the commitment record must be corrected to reflect a total term of 25 years. We agree.

When ordering the execution of time following a revocation of probation, the court "may direct execution of all or part of the previously suspended part of the sentence, but not of any part of the sentence that the court initially directed to be served in prison." *Benedict v. State*, 377 Md. 1, 12 (2003). In 2008, the court imposed a total term of 35 years

and suspended all but 25 years of that term. Thus, upon revocation of Mr. Singfield’s probation, the court could order the execution of a maximum of 25 years – the amount of time previously suspended. Both Mr. Singfield and the State agree on that point. They disagree, however, on the remedy.

Mr. Singfield asserts that the court’s statement that “the balance of your sentence shall be imposed” was “so vague that the case should be remanded to the circuit court for resentencing.”¹ The State, however, maintains that a correction of the commitment record is all that is needed because the court’s disposition was clear.

In announcing its disposition, the court stated:

Mr. Singfield, I cannot be lenient to you today. I was lenient to you when we met the first time. It was a very, very serious crime but the parties, the Public Defender and the State’s Attorney’s Office negotiated a sentence that was based on hope and that was even though you had an extensive juvenile record and it was for murder in the second degree with the use of a handgun.

For awhile things seemed to have worked out well, but it has all crashed. It’s collapsed. You maintain your innocence as to these new charges but I cannot respect that. I can only accept you as a person who is convicted of terrible crimes while on probation to me.^[2] I do not believe in concurrent time because that is no time at all and under these circumstances, I see no reason to impose anything but the maximum sentence. So the sentence the Court imposes is that the balance of your – that the probation is revoked and the balance of your sentences shall be imposed and they shall be served

¹ In his brief, Mr. Singfield repeatedly quotes the court as stating that “the balance of your sentence shall be imposed[.]” The official transcript in the record before us, however, reflects that the court stated that “the balance of your sentences [plural] shall be imposed[.]”

² It appears that, while on probation, Mr. Singfield was charged and convicted in the Circuit Court for Washington County with multiple counts of armed robbery, conspiracy to commit armed robbery, and related offenses following a crime spree in September of 2014.

consecutive to your present sentence. If you are successful in fighting these new charges [on appeal], then you come back for reconsideration of these matters but until such time, you are a man convicted of terrible offenses while on probation for a serious crime.

The court clearly ordered Mr. Singfield to serve the balance of his sentences, namely, the unsuspended time: 5 years for the handgun offense and a consecutively run term of 20 years for the murder. A remand for resentencing is unnecessary. We shall, however, order that the commitment record be corrected to reflect a term of 5 years for the handgun offense and a consecutively run term of 20 years for second-degree murder, with a total time to be served of 25 years.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
CASE REMANDED TO THE CIRCUIT
COURT FOR CORRECTION OF THE
COMMITMENT RECORD CONSISTENT
WITH THIS OPINION. COSTS TO BE
PAID BY MAYOR AND CITY COUNCIL
OF BALTIMORE.**