

Circuit Court for Baltimore County
Case No: 03-K-00-0520

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1584

September Term, 2019

LUNDES ANTHONY CARTWRIGHT

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: August 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 2000, following a jury trial in the Circuit Court for Baltimore County, Lundes Anthony Cartwright, appellant, was convicted of second-degree murder, first-degree assault, and use of a handgun in the commission of a crime of violence. On August 23, 2000, the court sentenced him to 30 years' imprisonment for murder, a consecutive 30 years' for assault, and a concurrent term of 20 years for the handgun offense. This Court affirmed the judgments. *Cartwright v. State*, No. 1508, September Term, 2000 (filed August 16, 2001). In 2019, Mr. Cartwright, representing himself, filed a motion to correct the commitment record which reflected that he was “awarded 231 days credit for time served prior to and not including date of sentence (Art. 27, Sec 638C).” He maintained that the commitment record was inaccurate because the sentencing court was silent as to any credit for time served and he requested that the circuit court “amend the commitment record removing the 231 days credit to accurately reflect that no days credit were awarded.” Upon receiving the motion, the court sent him a letter inquiring why he desired the removal of the credit, noting that its review of the record confirmed that he was entitled to it. After he failed to respond to the court’s inquiry, the court denied the motion, noting that “[t]he time credits given have been determined to be correct.” Mr. Cartwright appeals that ruling.

In his brief, Mr. Cartwright asserts that “an amended commitment record should have been issued by the circuit court because credit cannot be said to have been awarded where,” contrary to § 6-218(e)(1)&(2) of the Criminal Procedure Article, “the sentencing court did not comply with the requirements of awarding the credit ‘at the time of sentencing,’ and ‘telling the defendant and stating on the record the amount of credit and the facts on which it was based.’” Notably, Mr. Cartwright does not claim that he was not

entitled to credit for time served or that 231 days is the incorrect amount. Rather, his sole complaint appears to be that he is entitled to a new sentencing hearing at which the court should announce on the record the amount of credit he is due.

Section 6-218 of the Criminal Procedure Article, formerly Art. 27 § 638C, addresses credit for time spent in custody prior to sentencing. Subsection (e) provides: “(1) The court shall award the credit required by this section at the time of sentencing. (2) After having communicated with the parties, the court shall tell the defendant and shall state on the record the amount of the credit and the facts on which the credit is based.” Here, Mr. Cartwright did not produce the full sentencing transcript and it is not in the record before us, but based on the excerpt he did produce it does appear that the sentencing court did not state *on the record* the amount of credit Mr. Cartwright was due. Nonetheless, Mr. Cartwright was awarded credit and he does not challenge the number of days awarded. Accordingly, he has not established that the commitment record contains an error. And having determined that the 231 days credit reflected on the commitment record is “correct,” we hold that the circuit court did not err in denying the motion to correct the commitment record. Any complaint that Mr. Cartwright has about the sentencing court’s alleged failure to announce on the record the amount of credit due and the bases for the amount is a procedural issue that he could have raised on direct appeal; it is not a matter we shall entertain nearly 20 years after the fact.

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