

Circuit Court for Montgomery County  
Case No. C-15-CR-23-000111

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1636

September Term, 2023

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RAHEEM S. TURNER

v.

STATE OF MARYLAND

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Wells, C.J.,  
Zic,  
Meredith, Timothy E.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: May 29, 2024

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Montgomery County, Raheem S. Turner, appellant, was convicted of possession of a firearm by a person convicted of a crime of violence (count 1), illegal possession of a regulated firearm (count 2), and transporting a loaded handgun in a vehicle (count 3). He raises a single issue on appeal: whether the commitment record must be corrected to reflect the sentence that was imposed by the trial court. For the reasons that follow, we shall remand the case to the circuit court to correct the commitment record.

At the sentencing hearing on October 12, 2023, the court imposed a sentence of five years' imprisonment on count 1, merged his conviction on count 2 for sentencing purposes, and imposed a concurrent sentence of 276 days' imprisonment on count 3, resulting in a total sentence of five years' imprisonment. The court also awarded appellant 276 days of credit against his sentences for the time that he had been incarcerated as a result of the charges.

The commitment record, which was issued five days later, noted the 5-year sentence on count 1 and the 276-day sentence on count 3. It also indicated that appellant was to be awarded 276 days for time served prior to the date of his sentence. However, the commitment record set the start date of appellant's sentence as October 12, 2023, the date of the sentencing hearing, rather than January 10, 2023, the date of appellant's initial imprisonment on the charges.

Appellant contends that because he was sentenced to “5 years of executed time with credit for the 276 days he had spent in custody in this case since January 10, 2023, the correct start date of the sentence is January 10, 2023.” The State agrees, as do we. *See*

*Bratt v. State*, 468 Md. 481, 495-96 (2020) (noting that because the appellant was entitled to credit for time served and had been in custody beginning on July 16, 1982, the correct start date for his sentence was July 16, 1982); *Douglas v. State*, 130 Md. App. 666, 673 (2000) (holding that the commitment record should reflect the sentence start date as the date the appellant had first been incarcerated). Consequently, we shall remand the case to the circuit court to correct the commitment record to reflect the correct start date of appellant’s sentence.

**CASE REMANDED TO THE CIRCUIT COURT FOR MONTGOMERY COUNTY TO CORRECT THE COMMITMENT RECORD CONSISTENT WITH THIS OPINION. JUDGMENTS OTHERWISE AFFIRMED. COSTS TO BE PAID BY MONTGOMERY COUNTY.**