

Circuit Court for Baltimore County
Case No.: 03-K-93-3067

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1693

September Term, 2024

DENATION LEE KENT

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: May 30, 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.

In 1995, a jury in the Circuit Court for Baltimore County convicted Denation Lee Kent, appellant, of attempted second-degree murder, armed carjacking, robbery with a dangerous and deadly weapon, and use of a handgun in the commission of a crime of violence. The court sentenced him to a total term of 60 years' imprisonment, to run concurrent with a sentence he was then serving in Pennsylvania. Specifically, in announcing the sentence, the court imposed 30 years for attempted second-degree murder (Count 1); a consecutive 30 years for armed carjacking (Count 2); and 20 years, the first five without parole, for the handgun offense (Count 7) to run “concurrent to the first and second counts.”¹ This Court affirmed the judgments. *Kent v. State*, No. 1063, September Term, 1995 (filed unreported July 2, 1996).

In 2009, Kent, through counsel, filed a Rule 4-345(a) motion to correct an illegal sentence. In that motion, he claimed that his sentence in this case should have begun on August 5, 1993, the date his Pennsylvania sentence began, and not on January 26, 1995, the date he “was returned to Maryland under the Interstate Compact Agreement with Pennsylvania to face the charges” in this case. He asked the court “to correct the illegal sentence to reflect a start date of August 5, 1993, and revise his commitment record to accurately reflect this correction.” The court rejected the argument that running the Maryland sentence concurrently with the Pennsylvania sentence meant that the Maryland sentence must have the same start date as the start date of the Pennsylvania sentence. The

¹ The court, noting that the armed robbery offense is “already involved in the attempted murder,” decided “to just suspend that generally.” In other words, the court imposed no sentence for that offense.

court concluded that it “simply means the new [Maryland] sentence will run along with the one the Defendant is already serving[.]” in Pennsylvania. Accordingly, by order entered on June 30, 2009, the court denied the motion.

Two months later, on August 17, 2009, the court issued an amended commitment record in this case.² The amended commitment record did not modify the sentence in any substantive manner, but merely stated that it was issued “to reflect that count seven (7) [the handgun offense] is to be concurrent to Count 1 (one) [attempted second-degree murder] only.” In other words, the commitment record was modified to reflect that the 20-year handgun sentence runs concurrently with the 30-year sentence for attempted murder and not concurrently with *both* the attempted murder (Count 1) and armed carjacking (Count 2) sentences.³

In 2024, Kent, representing himself, filed a Rule 4-345(a) motion to correct an illegal sentence in which he asserted that, on August 17, 2009, the court “modified” his handgun sentence in his absence.⁴ He maintained that “[s]entencing in absentia without a valid waiver or extraordinary circumstances” violated his due process rights. He requested

² It is not clear from the record before us what prompted this amendment. Rule 4-351(b), however, permits a court to correct a commitment record “at any time upon motion, or, after notice to the parties and an opportunity to object, on the Court’s own initiative.”

³ The original commitment record, issued on April 13, 1995, does not appear to be in the record before us. But as noted, in pronouncing sentence in this case, the judge stated that the 20-year sentence for the handgun offense would run “concurrent to the first and second counts.”

⁴ Kent also asserted that, in 2009, the court “[c]hang[ed] the concurrent sentence of 20 years to 10 years[.]” That is incorrect. The 20-year term for the handgun offense was not modified.

that the court “vacate the illegal sentence modification imposed on August 17, 2009, and readjust the original sentence to fall in favor of the petitioner.” The circuit court denied relief, prompting this appeal.

On appeal, Kent essentially reiterates the claims he made in his motion before the circuit court. He further argues that his sentence is illegal because the court did “not state which of the two 30 year sentences does the new 10 year sentence runs concurrent to.”

We shall affirm the judgment. First, the court did not substantively modify Kent’s sentence, but merely clarified that the **20-year** sentence imposed for the handgun conviction runs concurrently with “Count 1 (one) only.” Count 1 was the attempted second-degree murder offense. The amendment to the commitment record simply made clear that the handgun sentence does not run concurrently with *both* “the first and second counts”—that is with both the 30-year sentence for attempted murder (Count 1) *and* the consecutively run 30-year sentence for carjacking (Count 2). In other words, the 20-year sentence for the handgun offense began running the same date as the sentence for attempted murder.⁵ Because Kent’s sentence was not modified in any substantive manner, his presence at a hearing to make the 2009 correction to the commitment record was not required.

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

⁵ Given that the sentencing start date in this case was January 26, 1995, as of the date of this opinion, Kent has already served both the 20-year sentence for the handgun offense and the 30-year sentence for attempted second-degree murder.