

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2082

September Term, 2015

WILLIAM FLOYD CAMPBELL, JR.

v.

STATE OF MARYLAND

Krauser, C.J.,
Meredith,
Nazarian

JJ.

PER CURIAM

Filed: December 12, 2016

*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 2002, William Campbell, appellant, pursuant to a plea agreement, pleaded guilty in the Circuit Court for Washington County to four counts of armed robbery and one count of use of a handgun in the commission of a crime of violence. The court sentenced Campbell to a total of 75 years' imprisonment, with all but 35 years suspended. In 2008, Campbell filed a motion to correct an illegal sentence, which was denied by the circuit court, a ruling that was subsequently affirmed by this Court. In 2015, Campbell filed a second motion to correct an illegal sentence. When the circuit court denied that motion, Campbell noted this appeal, claiming that his sentence was illegal because it exceeded the agreed-upon sentencing cap of forty years, which was part of a binding plea agreement; that the sentencing court erred in failing to notify him that the court was not bound by the State's recommendation; and, that the sentencing court erred in failing to afford him the opportunity to withdraw his plea.

Campbell's contentions are without merit. At the plea proceeding, the circuit court expressly stated that the terms of the plea agreement were *not* binding and that the State's sentencing recommendation – a “cap” of forty years' incarceration – was subject to further review by the court pending the outcome of a pre-sentence investigation. In addition, the court informed Campbell that, upon accepting his plea, it could impose the maximum sentence (20 years) on each of the charges of which he was convicted. Thus, Campbell's sentence was legal, as a reasonable person in Campbell's position would have understood that the State's sentencing *recommendations* were non-binding and that the court was free to impose the maximum sentence allowed by law. *See Cuffley v. State*, 416 Md. 568, 582 (2010) (“The test for determining what the defendant reasonably understood at the time of

the plea...depends not on what the defendant actually understood the agreement to mean, but rather, on what a reasonable lay person in the defendant's position...would have understood the agreement to mean[.]”).

Moreover, Campbell had ample opportunity during the plea hearing to express displeasure with the court's actions or move to withdraw his plea. He did neither. In fact, both Campbell and his attorney affirmatively stated on the record that Campbell understood and agreed with the terms of the plea agreement as expressed by the court. And, as promised, the State recommended a cap of forty years of imprisonment. Accordingly, we hold that the circuit court did not err in denying Campbell's motion to correct an illegal sentence.

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