

Circuit Court for Baltimore City
Case Nos. 18128813 through 18128818

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2025

September Term, 2025

KING SAM IVOR

v.

STATE OF MARYLAND

Zic,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 7, 2026

*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.

King Sam Ivor, appellant, appeals from the denial, by the Circuit Court for Baltimore City, of a “Motion to Vacate Illegal Sentences” (hereinafter “motion to correct illegal sentence”). For the reasons that follow, we shall affirm the judgment of the circuit court.

We recount some of the pertinent facts from one of our previous opinions in Mr. Ivor’s cases:

In 1982, a jury sitting in the Circuit Court for Baltimore City found Sam Ivor, a/k/a King Sam Ivor, appellant, guilty of kidnapping, extortion, robbery with a deadly weapon, first-degree rape, first-degree sexual offense, unnatural and perverted sex practice, and two counts of false imprisonment. He was thereafter sentenced to life imprisonment for first-degree rape and life imprisonment for first-degree sex offense, as well as a term of thirty years of imprisonment for kidnapping, ten years of imprisonment for extortion, and ten years of imprisonment for robbery. (The false imprisonment convictions merged for sentencing purposes.) The sentences imposed were to run consecutive to each other. Thus, the total sentence imposed was, in the sentencing judge’s summarizing remarks, “two consecutive life sentences plus fifty years consecutive to those life sentences, all to date from September 16, 1981” (the date Ivor was arrested). Ivor appealed and this Court affirmed. *Sam Jones a/k/a Sam Ivor a/k/a Sam Iver*, No. 1107, September Term, 1982 (filed May 23, 1983) (unreported).

In 1992, Ivor petitioned the circuit court to correct an illegal sentence, asserting that his sentences should be served concurrently. By order dated January 18, 1993, the circuit court denied relief

In 2002, Ivor filed a motion to correct an illegal sentence, again asserting that, given the manner in which the sentencing judge announced the starting date of his sentences, the effect was to make the sentences run concurrent with (rather than consecutive to) each other. The circuit court rejected that contention and denied the motion. Ivor appealed and this Court affirmed. *Sam Ivor a/k/a Sam King v. State*, No. 2643, September Term, 2002 (filed March 16, 2004) (unreported).

In 2012, Ivor filed yet another motion to correct an illegal sentence and, once again, contended that his sentences should be deemed to run concurrently with each other and not consecutively to each other. In a

supplement to that motion, Ivor further claimed that his sentences were illegal because of alleged defects in the polling of the jury and the hearkening of their verdicts. The circuit court denied the motion

Ivor v. State, No. 1568, Sept. Term 2012 (filed January 14, 2015), slip op. at 1-2 (footnote omitted).

Mr. Ivor appealed from the denial of the motion. *Id.* at 2. Affirming the judgment, we stated, in pertinent part:

Although the verdicts in this case were final after the polling was completed, the clerk nonetheless asked the jury to hearken to its verdict. That hearkening gives rise to Ivor’s third claim.

THE CLERK: Harken to the verdicts as the Court has recorded it. You say that Sam Jones [a/k/a Ivor] is **not guilty of kidnapping in the first degree, guilty of kidnapping in the second degree, not guilty of extortion**, guilty of robbery, not guilty of theft, guilty of rape in the first degree, guilty of sexual offense in the first degree, not guilty of sexual offense in the second degree, guilty of unnatural and perverted sexual practice, **guilty of false imprisonment. Guilty of false imprisonment, guilty of false imprisonment**, not guilty of assault, an [sic] so say you all?

JURORS: Yes.

(Emphasis added.)

Ivor points out that the crime of kidnapping is not divided into degrees in Maryland and, therefore, “kidnapping in the second degree is not an offense” in this State. He also points out that the hearkening included a guilty verdict on three counts of false imprisonment, when he was only charged with two counts of false imprisonment. Most significantly, in the hearkening, the clerk stated that the jury’s verdict was “not guilty of extortion,” but when the forelady announced the verdict on that count, and during the polling process, the jury’s verdict was “guilty” of extortion. Consequently, Ivor asserts that the jury’s verdicts on the kidnapping, false imprisonment, and extortion charges were ambiguous and that his sentences for kidnapping (thirty years of incarceration) and extortion (ten years of

incarceration) were thereby illegal. Finally, he claims he is entitled to “a new trial” because “kidnapping, extortion and false imprisonment [were] used to increase the first degree rape and first degree sexual offense to the first degree.”

As noted above, hearkening was not required in this case because the jury’s verdicts became final after the polling was accepted. *Smith v. State*, 299 Md. 158, 166 (1984) (“It has never been the law in Maryland that hearkening is *the* prerequisite to an acceptable verdict where the jury has been polled. In other words it has not been doubted that polling is a fully commensurable substitute for hearkening.”) ([internal citation, quotations, and brackets] omitted). Thus, although the clerk made several misstatements in hearkening the jury to their verdicts, under the particular circumstances of this case, we are not persuaded that the properly rendered verdicts were thereby made defective.

The jury clearly found Ivor not guilty of the “first count” charging kidnapping and guilty of the “second count” charging kidnapping, as reflected in the jury’s verdict sheet, the forelady’s announcement of the jury’s verdicts on these two counts, and in the polling of the jury. The courtroom clerk’s subsequent mischaracterization of these offenses as “kidnapping in the first degree” and “kidnapping in the second degree” in no way invalidated the jury’s verdicts as the jury’s decision was clear.

It was also clear that the jury found Ivor guilty of two counts of false imprisonment as reflected in the jury’s verdict sheet, the forelady’s announcement of the jury’s verdicts on these two counts, and in the polling of the jury. The fact that the courtroom clerk, when hearkening the jury, said “guilty of false imprisonment” three times carries no significance given that Ivor was only charged with two counts of false imprisonment. No[where] in the record before us is there any indication that Ivor was improperly convicted of three counts of false imprisonment. At the sentencing hearing, the court referred to “the conviction under Count 1 of false imprisonment and conviction under Count 2, also false imprisonment.” The court then “merged those two convictions,” for sentencing purposes, “into the kidnapping conviction.”

More troubling is that the transcription of the hearkening suggests that the jury hearkened to a verdict of “not guilty of extortion” when the forelady, and each of the jurors when polled, had delivered a verdict of “guilty” of extortion. Yet, there was no objection by anyone to the hearkening. The only way to reconcile this transcriptional inconsistency is to conclude, as we do, either that the transcription of the hearkening is in error or that the

courtroom clerk inadvertently misstated the jury’s verdict on extortion, as there is no doubt that the verdict of the jury was “guilty” as to extortion as reflected on the verdict sheet, in the forelady’s announcement of their verdict on this offense, and in the polling of the individual jurors. Moreover, the docket sheet itself indicates that the clerk recorded the verdict as “guilty” of extortion. Finally, because the jury was polled, the verdict was final *before* the hearkening. Given these circumstances, we hold that this inconsistency did not render the verdict of guilty as to extortion a nullity.

Id. at 11-14 (footnote omitted) (emphasis in original).

In October 2025, Mr. Ivor filed the motion to correct illegal sentence at issue in this case, in which he presented six contentions. First, Mr. Ivor again contended that his sentences for kidnapping and extortion should be vacated due to the alleged defects in the hearkening of the verdicts. Second, Mr. Ivor contended that the “sentence for first degree sexual offense [is] illegal because the judge instructed the jury that” the offense was defined by former “Article 17, Section 404” of the Maryland Code, rather than the correct designation of “Article 27, [Section] 464.” Third, Mr. Ivor contended that the “sentence for first degree rape [is] illegal because during the polling of the jury,” the clerk stated that the offense was charged in circuit case number “181288126”, rather than case number 18128816. Fourth, Mr. Ivor contended that the “first degree rape and first degree sexual offense instruction[s were] never given to the jury as the defense attorney requested,” and “first degree rape and first degree sexual [offense were] never . . . polled or h[e]arakened.” Fifth, Mr. Ivor contended that the instruction for first degree sexual offense was “erroneous.” Finally, Mr. Ivor contended that the “prosecutor withheld exculpatory evidence from the grand jury.” The court denied the motion.

Mr. Ivor contends that, for reasons identical to those presented in the motion, the court erred in denying the motion. We disagree. We have previously rejected Mr. Ivor's contention that that his sentences for kidnapping and extortion should be vacated due to alleged defects in the hearkening of the verdicts, and we shall not revisit our conclusion. Also, Mr. Ivor does not cite any authority that renders the sentence for first degree sexual offense illegal simply because the court, on a single occasion, misstated the section of the code defining the offense, or that renders the sentence for first degree rape illegal simply because the clerk, on a single occasion, misstated the case number under which the offense was charged. Furthermore, Mr. Ivor does not cite any authority that allows him to challenge the sufficiency of jury instructions in a motion to correct illegal sentence, and the record clearly reflects that the jury was polled and hearkened as to the offenses of first degree rape and first degree sexual offense. Finally, with respect to Mr. Ivor's contention that the "prosecutor withheld exculpatory evidence from the grand jury," we have recognized that the scope of a motion to correct illegal sentence is "narrow" and "limited to those situations in which the illegality inheres in the sentence itself; *i.e.*, there either has been no conviction warranting any sentence for the particular offense or the sentence is not a permitted one for the conviction upon which it was imposed and . . . is intrinsically and substantively unlawful." *Carlini v. State*, 215 Md. App. 415, 426 (2013) (internal citation and emphasis omitted). The error alleged by Mr. Ivor does not inhere in any of the

sentences themselves, and hence, the court did not err in denying the motion to correct illegal sentence.

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