

Circuit Court for Howard County
Case No. 13-K-85-014210

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2029

September Term, 2017

ISAAC GRAY

v.

STATE OF MARYLAND

Fader, C.J.,
Leahy,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 31, 2018

*This is an unreported opinion and therefore may not be cited either as precedent or as persuasive authority in any paper, brief, motion, or other document filed in this Court or any other Maryland court. Md. Rule 1-104.

In 1986, a jury sitting in the Circuit Court for Howard County convicted Isaac Gray, the appellant, of first-degree rape and battery after he attacked a woman on a bicycle path in Columbia, held a knife to her throat, and raped her twice. The court sentenced him to life in prison for rape and a concurrent five-year term for battery. His convictions were affirmed on direct appeal. *Gray v. State*, 317 Md. 250 (1989).

In 2017, the appellant filed a motion to correct an illegal sentence,¹ arguing that because the court stated during sentencing that the appellant would serve “the remainder of [his] *natural life* in prison,” the sentence imposed was life *without the possibility of parole*. (Emphasis added.) That sentence was not legislatively authorized for any crime in 1986. *See Collins v. State*, 318 Md. 269, 298 (1990) (legislature enacted statute permitting life without the possibility of parole as a sentence for first-degree murder effective July 1, 1987). The circuit court summarily denied his motion.

The appellant was not sentenced to life without the possibility of parole. At the time he was tried, convicted, and sentenced, Md. Code (1957, 1982 Repl. Vol.), Art. 27 §462(b) governed the penalty for first-degree rape and provided that a person convicted of that crime could be sentenced to a term of imprisonment not to exceed “the period of his natural life,” meaning a life sentence *with* the possibility of parole. The court echoed that statutory language when it imposed a life sentence. Since that time, the Legislature has authorized a court to impose a sentence of life *without* the possibility of parole for

¹ This was at least the third motion to correct an illegal sentence filed by the appellant.

first-degree rape in circumstances not present here. *See* Md. Code (2002, 2012 Repl. Vol.), § 3-303(d)(2) - (d)(4) of the Criminal Law Article. Because the sentence imposed for the appellant's conviction for first-degree rape was life, not life without the possibility of parole, and the appellant has identified no other illegality inhering in his sentence, the court did not err by denying his motion to correct an illegal sentence.

**ORDER OF THE CIRCUIT COURT FOR
HOWARD COUNTY DENYING MOTION
TO CORRECT ILLEGAL SENTENCE
AFFIRMED. COSTS TO BE PAID BY
THE APPELLANT.**