

Circuit Court for Baltimore City
Case Nos.: 206363003, 207003011

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2205

September Term, 2025

NATHANIEL SHIVERS

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: July 8, 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.

In 2007, Nathaniel Shivers was sentenced by the Circuit Court for Baltimore City to twelve years' imprisonment, all but three years suspended, and to a five-year term of probation upon release. While on probation in this case, Shivers was charged with new offenses in both Baltimore City and Baltimore County and was detained pending trial on those charges. On or about January 20, 2011, while detained on the new charges, Shivers was served with a violation of probation warrant in this case. On July 22, 2011, Shivers was sentenced in the Baltimore County case to two years, three months, and 28 days, and awarded 327 days credit for time served pre-trial. On July 19, 2013, Shivers was sentenced in the new Baltimore City case to sixty-five years' imprisonment, with a start date of March 11, 2012. Then on February 19, 2015, the Circuit Court for Baltimore City revoked Shivers' probation in this case and ordered him to serve nine years of his previously suspended time and, according to Shivers, awarded him 416 days credit for time served.¹

In 2025, Shivers, representing himself, filed a motion to correct the commitment record in this case. He asserted that when ordering him to serve his previously suspended time, the circuit court should have awarded him credit from "January 19, 2011, up to and including, the date of sentencing, February 19, 2015, which would be approximately 1492 days total." The circuit court summarily denied the motion.

¹ As the State points out in its brief, and we have confirmed, Shivers did not obtain the transcript of his violation of probation hearing, and he did not include the commitment record. Moreover, the commitment record does not appear to be available in MDEC. The circuit court's docket entries confirm that following the violation of probation hearing, the court ordered Shivers to serve nine years of his previously suspended time. The docket entries do not reflect whether credit was awarded nor whether the sentence is to run concurrent with or consecutive to any other outstanding sentence.

On appeal, Shivers continues to assert that the court should have awarded him credit for approximately 1,492 days, that is, from January 19, 2011 “up to and including the date of sentencing, February 19, 2015.” The State disagrees, noting that during this time period Shivers “was detained not due solely to his violation of probation but because he was awaiting trial on charges” in two other cases for which he received credit following conviction and sentencing. The State further notes that the sixty-five-year sentence imposed in 2013 began running on March 11, 2012 and thus when “sentenced for his violation of probation in 2015, he was . . . already serving another sentence for which he was receiving credit.” The State also asserts that the court “has discretion as to whether to award credit when an individual, such as Mr. Shivers, is awaiting adjudication in more than one proceeding” and maintains that Shivers was not necessarily “entitled to any credit for time served while awaiting the disposition of his violation of probation.”

We agree with the State. Md. Code Ann., Criminal Procedure § 6-218 provides in pertinent part:

(b)(1) A defendant who is convicted and sentenced shall receive credit against and a reduction of the term of a definite or life sentence, or the minimum and maximum terms of an indeterminate sentence, for all time spent in the custody of a correctional facility . . . or other unit because of:

- (i) the charge for which the sentence is imposed; or
- (ii) the conduct on which the charge is based.

(2) If a defendant is in custody because of a charge that results in a dismissal or acquittal, the time that would have been credited if a sentence had been imposed shall be credited against any sentence that is based on a charge for which a warrant or commitment was filed during that custody.

(3) In a case other than a case described in paragraph (2) of this subsection, the sentencing court **may apply credit** against a sentence for time spent in custody for another charge or crime.

(Emphasis added.)

Here, it appears undisputed that Shivers was in custody awaiting trial on the new charges when he was served with the violation of probation warrant in this case. It is also undisputed that he was convicted of the new charges and upon sentencing received credit for his pre-trial detention in those cases. Consequently, we discern no abuse of the court's discretion in failing to award Shivers credit for the entire time pending between his arrest on the violation of probation warrant and the disposition of the probation violation.

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