

Circuit Court for Carroll County
Case No.: 06-K-15046823

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2523

September Term, 2017

KATRINA SHANEKA HARRIS

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: November 7, 2018

*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 2015, Katrina Harris, appellant, was charged in the Circuit Court for Carroll County in a 20-count indictment with robbery and related offenses following a bank robbery. Harris did not enter the bank, but served as the get-away driver and, hence was deemed an accomplice or principal in the second degree. In July 2016, she pleaded guilty to two counts of robbery with a deadly weapon, use of a handgun in the commission of a crime of violence, and possession of a regulated firearm after having been convicted of a crime of violence, and was sentenced to a total term of twenty years' imprisonment, without the possibility of parole.

On May 10, 2017, the post-conviction court granted Harris a new trial after determining that the transcript of the plea hearing supported her claim that she had not been advised of the nature of the offenses to which she had pleaded guilty. Pursuant to a new plea agreement, Harris then pleaded guilty to two counts of robbery with a deadly weapon and two counts of use of a handgun in the commission of a crime of violence. Before accepting the plea, the court examined Harris and concluded that she was entering the plea knowingly and voluntarily and, as relevant here, that she understood the sentencing terms of the agreement.

After accepting the plea, the court sentenced Harris, in accordance with the plea agreement, to two terms of twenty years' imprisonment, all but ten years suspended, for the armed robbery convictions and to two terms of five years' imprisonment, without the possibility of parole, for the handgun offenses. The sentences were all to run concurrently. Upon release, Harris is to serve a five-year period of supervised probation. The State *nol prossed* the remaining charges.

In January 2018, Harris, representing herself, filed a motion to correct an illegal sentence. The circuit court denied the motion. Harris appealed that ruling and presents the following questions for our review:

1. Is it legal for a person to accept a guilty plea for charges which they could not be legally charged?
2. Is it legal to negotiate a plea where anything is concealed from the defendant?
3. Is it legal for a judge to change a sentence specifically required in the statute as law?
4. In plea negotiation is a suspended sentence allowed to be offered without defining its meaning under the guise of a number provided to the defendant say 30 years and at sentencing it is recorded as “x” number of years all suspended but 30, and not explaining the hidden probation?
5. Higher Courts agreed inconsistent verdicts at bench and jury trials would not be tolerated. Is the court then willing to accept inconsistent pleas?
6. Is Maryland Rule 4-242 the source specifically to questions 1 through 5 relating to Ms. Harris’s illegal conviction not once, but three times due to the ambiguity of the phrase “any combination thereof” in the statute?
7. Did the question 6 allow the malfeasance of the State’s Attorneys in Carroll County to go unchecked to the detriment of individual constitutional rights, public safety and financial burden to taxpayers of the State of Maryland?

The only issue properly before us, however, is whether the circuit court erred in denying Harris’s Rule 4-345(a) motion to correct an illegal sentence. Because the sentences imposed are legal, and are entirely consistent with the sentencing terms of the plea agreement as placed on the record of the May 10, 2017, plea hearing, we hold that the circuit court did not err in denying Harris’s motion. *See* MD. CODE, Crim. Law, § 3-403(b) (a person who commits or attempts to commit a robbery with a dangerous weapon is subject to imprisonment not exceeding 20 years); Crim. Law, § 4-204(b)&(c) (a person

who uses a firearm in the commission of a crime shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years and the person is not eligible for parole in less than 5 years).¹

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

¹ The sentencing terms of the plea agreement, as placed on the record of the May 10, 2017, proceeding were: Count 1 (robbery with a dangerous weapon) – 20 years imprisonment, with all but 10 years suspended; Count 2 (robbery with a dangerous weapon) – 20 years imprisonment, with all but 10 years suspended; Count 22 (use of a handgun in the commission of a crime of violence) – five years’ imprisonment, without the possibility of parole; and Count 23 (use of a handgun in the commission of a crime of violence) – five years’ imprisonment, without the possibility of parole. The agreement also provided that all the sentences would run concurrently and that upon release from prison, Harris would serve a five-year period of supervised probation. When asked whether she understood what sentence she would receive if she entered the plea, Harris replied “Yes.”