

Circuit Court for Montgomery County  
Case No. 119139

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2627

September Term, 2016

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ANTHONY BERNARD JOYNER

v.

STATE OF MARYLAND

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

JJ.

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PER CURIAM

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Filed: March 9, 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.

A jury in the Circuit Court for Montgomery County convicted Anthony Bernard Joyner, appellant, of carjacking and robbery. On August 30, 2012, he was sentenced to a total term of twenty years' imprisonment, with 365 days credit for time served. This Court affirmed the judgments. *Anthony Bernard Joyner v. State*, No. 1346, September Term, 2012 (filed October 8, 2013). In 2016, Joyner filed a motion to correct the commitment record seeking additional credit for time served before trial. The circuit court denied the motion, which Joyner appeals. For the reasons to be discussed, we affirm.

### **BACKGROUND**

The carjacking and robbery that lead to Joyner's convictions occurred on November 20, 2009. Approximately nine months later, Joyner was identified as the perpetrator. An arrest warrant was issued on August 27, 2010. On August 31, 2010, the Metropolitan Police Department of the District of Columbia filed a detainer with the Superintendent of the "DC Jail," noting that Joyner, an inmate in the "custody within the District of Columbia Department of Corrections," was the subject of a "fugitive complaint," and requesting that the Metropolitan Police be notified prior to his release. Specifically, the detainer noted that Joyner was subject to an arrest warrant for carjacking in Maryland, and wanted by the City of Takoma Park (Maryland) Police Department. Apparently, Joyner was not released from custody because he was convicted of criminal offense(s) and ultimately sentenced to time to be served in a federal prison.

On February 2, 2011, the City of Takoma Park Police Department filed a detainer request with the Big Sandy United States Penitentiary. The detainer request noted that Joyner was subject to an arrest warrant for carjacking (and other offenses), pursuant to

Case No. 4D00236030 – a District Court of Maryland for Montgomery County criminal case charging Joyner with the November 20, 2009, carjacking and other offenses.

By his admission (the record before us is not clear), Joyner was received into Maryland’s custody on August 31, 2011, which he claimed was “before expiration of his federal sentence.” In September 2011, the District Court case was transferred to the Circuit Court for Montgomery County, where Joyner was indicted for carjacking and other crimes. On February 14, 2012, following a two-day jury trial, Joyner was convicted of carjacking and robbery. On August 30, 2012, he was sentenced to a total term of twenty years’ incarceration, and awarded “365 days credit for time served prior to and including date of sentence.” Thus, the commitment record specifically states that Joyner’s sentence was “20 years DOC, commencing August 31, 2011.”

As noted, several years later, Joyner filed a motion to correct the commitment record, complaining that he “was only given 365 days credit starting from August 31, 2011.” He argued that he should have been given an “additional 365 days credit due to the detainers pending from State of Maryland while he was housed in another facility.” The circuit court denied the motion.

### **DISCUSSION**

On appeal, Joyner continues to maintain that he should have received credit “starting from [the] August 31, 2010 date [the] State of Maryland initially lodged its initial detainer.” It appears that Joyner is referring to the detainer filed by the Metropolitan Police Department. Joyner, however, is not entitled to the credit he seeks from August 31, 2010 to August 30, 2011, because he was held during that time on District of Columbia or federal

charges and/or conviction(s). In fact, he admits in his brief that, when “extradited to Maryland” on August 31, 2011, it was “before expiration of [his] federal sentence,” which he claims was due “to expire on April 20, 2012.” Accordingly, because Joyner was serving a sentence imposed by another jurisdiction between August 31, 2010 and August 30, 2011, he was not entitled to credit for time served on his subsequently imposed Maryland sentence for that time period. As noted, he was given 365 days credit for time served from August 31, 2011 to August 30, 2012 – time spent in Maryland’s custody before his Maryland trial and sentencing.

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