

Circuit Court for Baltimore City
Case No: 199288027 & 100203014

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 3235

September Term, 2018

STEVEN PARKER

v.

STATE OF MARYLAND

Arthur,
Beachley,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 1, 2020

*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.

On September 20, 2000, Steven Parker appeared with counsel in the Circuit Court for Baltimore City and, pursuant to a plea agreement with the State, pled guilty to second-degree murder, use of a handgun in the commission of a felony or crime of violence, and conspiracy to commit murder. On February 15, 2001, the court sentenced him to a total term of 40 years' imprisonment, all but 18 years suspended, to be followed by a five-year term of supervised probation.

In 2018, Mr. Parker filed a motion to correct an illegal sentence in which he asserted that his sentence violated the sentencing terms of the plea agreement because the court had agreed to run all his sentences concurrently and, instead, a 10-year term, all suspended, for conspiracy was run consecutively to the murder sentence. Following a hearing, the circuit court denied the motion. Mr. Parker appeals that ruling. We shall affirm the judgment because his sentence did not breach the plea agreement.

As set forth on the record of the plea hearing, in exchange for his guilty pleas, the court agreed to impose “a sentence of 40 years all suspended but 20 years on all of these combinations of charges, which will run together to that extent,” and five years of supervised probation upon release. If Mr. Parker testified truthfully against two co-defendants (or if the co-defendants also pled guilty), the court agreed to view that “favorably” and would “consider giving [him] less time.” Mr. Parker indicated his understanding of the terms. The court reviewed the maximum penalties he was facing for each offense and noted that “for conspiracy” he could receive 30 years “and that could be consecutive also.” Mr. Parker indicated his understanding.

At sentencing, the court imposed a 30-year term of imprisonment for second-degree murder, all but 18 years suspended; a concurrent term of 18 years for the handgun offense, the first five years without the possibility of parole; and 10 years for the conspiracy, all suspended, to run consecutive to the murder sentence. The aggregate sentence totaled 40 years' imprisonment, with all but 18 years suspended. That sentence comports with the terms of the plea agreement. Notably, at the time of imposition defense counsel agreed that, the sentence structured the way it was imposed, “gets the total [term] to be forty” years, as clearly contemplated by the plea agreement. In short, we find unpersuasive Mr. Parker's assertion that the court had bound itself to run all of his sentences concurrently. Accordingly, we hold that the circuit court did not err in denying his motion to correct an illegal sentence.

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