

Circuit Court for Baltimore City
Case No. 19130019

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 723

September Term, 2017

RALPH STEELE

v.

STATE OF MARYLAND

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

JJ.

PER CURAIM

Filed: June 8, 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.

Ralph Steele appeals the denial, by the Circuit Court for Baltimore City, of his motion to correct an illegal sentence. We affirm.

Following a 1992 jury trial, Steele was convicted of felony murder. Within days of the verdict, Steele filed a motion for a new trial asserting that the trial court erred by failing “to rule upon the motion for judgment of acquittal testing the legal sufficiency of the underlying felonies.”¹ The court denied the motion and sentenced Steele to life imprisonment. Upon appeal, Steele argued that “the evidence was not legally sufficient to prove either the underlying felony of burglary or the underlying felony of robbery.” This Court disagreed and affirmed the judgment. *Ralph Steele v. State of Maryland*, No. 912, September Term, 1992 (filed June 8, 1993), *cert. denied*, 332 Md. 454 (1993). His subsequent attempts for relief have been unsuccessful.

In 2017, Steele filed a motion to correct an illegal sentence pursuant to Maryland Rule 4-345(a). He claimed his life sentence was illegal because “the trial court did not have jurisdiction to convict and sentence” him for felony murder “after granting the acquittal of all underlying felonies.” He also maintained that the trial court “did not have jurisdiction to send ‘dead counts’ to the jury for deliberation.” By “dead counts” he meant the burglary and robbery charges, which supported the felony murder conviction. The circuit court denied the motion.

¹ It appears from the limited record before us that Steele was charged with first-degree murder, burglary, robbery, and related offenses. The only count sent to the jury, however, was felony murder.

On appeal, Steele makes the same arguments he made below. The record before us does not include the trial transcripts, but the excerpts of the transcript included in Steele’s brief, the docket entries, the defense’s motion for new trial, and the fact that the sufficiency of the evidence issue was litigated on direct appeal, make it clear that the trial court did not grant the motion for judgment of acquittal. In fact, it was the defense’s position at the time that the trial court had failed to even rule on the motion.

As for Steele’s contention that the court sent “dead counts” to the jury, the circuit court (when ruling on the Rule 4-345(a) motion) found that the trial court properly instructed the jury on felony murder, that is, that in order to convict Steele of felony murder the jury had to find beyond a reasonable doubt that Steele committed a burglary or a robbery and while committing that crime killed the victim. As such, there were no “dead counts” sent to the jury.

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