

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1577

September Term, 2015

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ERNEST YOUNG

v.

STATE OF MARYLAND

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Krauser, C.J.,  
Nazarian,  
Moylan, Charles E., Jr.  
(Retired, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 22, 2016

\*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 2005, Ernest Young, appellant, was sentenced, after pleading guilty, to twenty-five years' incarceration for first-degree assault and to a consecutive term of fifteen years for theft over \$500. In 2015, he filed a motion to correct an illegal sentence pursuant to Rule 4-345(a), claiming, in essence, that the evidence before the trial court was insufficient to support the theft conviction and hence, that sentence was illegal. The circuit court summarily denied the motion, and Young filed this appeal. He reiterates the claim made below and also asserts, for the first time, that the sentencing court erred in running the sentence for theft consecutive to the sentence for first-degree assault because, he claims, they should have merged. After thoroughly reviewing the record, we hold that the circuit court did not err in denying the motion to correct Young's theft sentence because the sentence is legal. *See* MD CODE (2002), Criminal Law, § 7-104(g)(i)(1) ("A person convicted of theft of property or services with a value of \$500 or more is guilty of a felony and [ ] is subject to imprisonment not exceeding 15 years or a fine not exceeding \$25,000 or both"). Young's claim that there was insufficient evidence to support the theft conviction is unsubstantiated and, moreover, is not the appropriate subject of a Rule 4-345(a) motion. There was no error in failing to merge the convictions for first-degree assault and theft for sentencing purposes because the offenses do not merge under the "required evidence test," and the sentencing court had discretion to run the sentences for those offenses consecutively to each other. Finally, we

reject Young's contention that the circuit court erred in denying his motion without a written memorandum or opinion, as none was required.

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