

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2510

September Term, 2015

JERRY J. MILTON

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: January 6, 2017

*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 2013, Jerry J. Milton, appellant, appeared before the Circuit Court for Baltimore City and pleaded guilty to sexual abuse of a minor. The court sentenced him to a term of twenty-five years' imprisonment, with all but ten years suspended, to be followed by a five-year period of probation. In 2015, Milton filed a motion to correct an illegal sentence, which the circuit court denied. In this appeal, Milton contends that the circuit court erred in denying that motion because the sentence purportedly exceeds the penalty allowed by law. Milton is incorrect and accordingly, we affirm.

Milton maintains that the offense of sexual abuse of a minor “carries a penalty of 15 years.” In support of that proposition, Milton cites Section 3-602 of the Criminal Law Article of the Maryland Code (2002). In 2003, however, the legislature increased the maximum penalty for sexual abuse of a minor to twenty-five years' imprisonment. *See* 2003 Md. Laws, ch. 167, at 1440. That penalty became effective on October 1, 2003.

Milton pleaded guilty to sexual abuse of a minor in 2013, based on conduct that he asserts occurred “during April 2012.” His sentence, therefore, is lawful. *See* Crim. Law, § 3-602 (c) (2012 Repl. Vol.) (A person convicted of sexual abuse of a minor “is guilty of a felony” and “is subject to imprisonment not exceeding 25 years.”).

If Milton is also claiming that his sentence exceeded the sentencing terms of his plea agreement, as he has failed to produce a transcript of the plea hearing, we are unable to address that claim. *DiMeglio v. State*, 201 Md. App. 287, 315 (2011) (“[I]t is incumbent upon the appellant claiming error to produce a sufficient factual record for the appellate

court to determine whether error was committed[.]” (quoting *Mora v. State*, 355 Md. 639, 650 (1999)), *cert. denied*, 424 Md. 292 (2012).

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