

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2543

September Term, 2015

OLIVER MILLS

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: February 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 2005, following a jury trial in the Circuit Court for Wicomico County, Oliver Mills, appellant, was convicted of second-degree rape, third-degree sexual offense, sexual abuse of a minor, and second-degree assault. He was sentenced to a term of twenty years' imprisonment for second-degree rape, to a term of ten years' for third-degree sexual offense, to run concurrent with the rape sentence, and to a term of fifteen years' for sexual abuse of a minor, to run consecutive to the sentence for third-degree sexual offense. Mills appealed and this Court affirmed. *Oliver Mills v. State*, No. 548, Sept. Term, 205 (filed June 20, 2006).

In 2015, Mills filed a motion to correct an illegal sentence pursuant to Rule 4-345(a) in which he claimed that, after the court announced its sentence and released him to the custody of the Department of Corrections, he was brought back into the courtroom and his sentence was “increased.” This was the third such motion that Mills had filed in the circuit court, each raising the same contention. When the circuit court denied this motion, as it had denied his previous two motions, Mills noted this appeal.

We hold that the circuit court did not err in denying the motion to correct the sentence because the record establishes that Mills's sentence was not altered in any way after it was initially imposed. When he was returned to the courtroom shortly after the sentence was announced, the court reporter “read back” the sentence as it had been announced. The court then confirmed that the *total* time to be served - when taking into account that the fifteen-year sentence for sexual abuse of a minor was ordered to run

consecutive to the ten-year sentence for third-degree sexual offense - was twenty-five years' imprisonment.

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