

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 248

September Term, 2016

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DARYL JENARD BLAND

v.

STATE OF MARYLAND

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

JJ.

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PER CURIAM

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Filed: May 2, 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 2012, following a bench trial in the Circuit Court for Baltimore City, Daryl Jenard Bland, appellant, was convicted of first and second degree assault, use of a handgun in the commission of a crime of violence, possessing a regulated firearm after having been convicted of a disqualifying crime, and wearing, carrying, and transporting a handgun. After merging certain offenses for sentencing purposes, the court sentenced Bland to a term of fifteen years' imprisonment for first-degree assault, a concurrent term of twenty years' imprisonment for the use of a handgun offense, and a consecutive term of five years' imprisonment, to be served without the possibility of parole, for the regulated firearm offense.

On direct appeal, Bland argued that the firearm sentence was illegal because the statute did not authorize the court to order that the sentence be served without the possibility of parole. We agreed. Accordingly, we vacated the sentence for the firearm offense and remanded for re-sentencing on that conviction. *Bland v. State*, No. 462, Sept. Term, 2012 (filed October 7, 2013). The commitment record reflects that, upon remand from this Court, the circuit court imposed the same sentence for the firearm offense, that is, a term of five years' imprisonment, to run consecutive to the other sentences, but with the possibility of parole.

In 2016, Bland filed a motion to correct his sentence pursuant to Rule 4-345(a). He claimed that the firearm sentence was illegal because it should have been run concurrent with his other sentences. The court denied the motion, prompting this appeal. We affirm.

The five-year term of imprisonment for the firearm offense is legal. *See*, § 5-143(b) of the Public Safety Article (MD Code 2011) (providing for a penalty of “imprisonment

not exceeding 5 years or a fine not exceeding \$10,000 or both.”). And the court had the discretion to run the sentence consecutively to Bland’s other sentences. *Malee v. State*, 147 Md. App. 320, 334 (noting that in *Kalyor v. State*, 285 Md. 66, 69 (1979), the Court of Appeals “placed an unequivocal seal of approval on the discretionary decision of a sentencing judge to impose consecutive sentences for multiple convictions”), *cert. denied*, 372 Md. 431 (2002).

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