

Circuit Court for Carroll County
Case No.: 06-K-02-029880

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 174

September Term, 2024

BUTCHIE JUNIOR STEMPLER

v.

STATE OF MARYLAND

Nazarian,
Arthur,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 27, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

On May 13, 2003, Butchie Junior Stemple, appellant, appeared in the Circuit Court for Carroll County and pleaded guilty to first-degree murder, conspiracy to commit murder, and use of a handgun in the commission of a felony or crime of violence. On September 18, 2003, the court sentenced Stemple as follows: life without parole for first-degree murder; life for conspiracy to commit murder, to run concurrently with the life sentence for murder; and twenty years for the handgun offense, to run consecutively to the life sentence for murder. The commitment record accurately reflects the sentence imposed by the court.

On February 22, 2024, Stemple, representing himself, filed a motion to amend the commitment record. He claimed that the commitment record in this case does not comport with Maryland Rule 4-351(a)(5) which provides that, if sentences are run consecutively, the commitment record should state “when each term is to begin with reference to termination of the preceding term or to any other outstanding or unserved sentence[.]” He asserted that, because the court did not comply with this “mandatory language[.]” his “sentence must be struck then reimposed.” The court denied the motion and Stemple noted this appeal.

On appeal, Stemple reiterates his argument that the sentencing court erred because it “was suppose[d] to state when each term began with reference to the termination of the preceding consecutive term (sentence).” He also asserts that the court erred in denying his motion to amend the commitment record without holding a hearing. The State maintains that Stemple’s arguments are meritless. We agree with the State.

Rule 4-351(a) addresses the contents of a commitment record. Subsection (a)(5) requires that the commitment record contain: “A statement whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of the preceding term or to any other outstanding or unserved sentence[.]” Stemple’s commitment record complies with this Rule. His twenty-year sentence for use of a handgun runs consecutively to his life sentence for first-degree murder. In other words, the handgun sentence begins running upon the expiration of his life sentence. We disagree with any notion that the commitment record must include a particular date a consecutively run sentence begins and ends as the Rule does not require such specificity. Moreover, a life sentence, without parole, is served until death and no one can predict that date.

Finally, Stemple points to no authority which would require a court to hold a hearing prior to ruling on a motion to amend a commitment record. And, certainly in this instance no hearing was needed or required.

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