

Circuit Court for Baltimore City
Case No.: 100005002

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1055

September Term, 2024

MATTHEW HARPER

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: March 6, 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.

In 2002, a jury sitting in the Circuit Court for Baltimore City found Matthew Harper, appellant, guilty of second-degree murder, attempted robbery with a dangerous weapon, conspiracy to commit robbery with a dangerous weapon, and two counts of use of a firearm in the commission of a crime of violence. The court sentenced him to a total term of ninety years' imprisonment. This Court affirmed the judgments. *Harper v. State*, No. 627, September Term, 2002 (filed unreported September 16, 2003).

In June 2024, Harper, representing himself, filed a pleading he captioned “Motion To Correct Illegal Sentence.” He asserted that his sentence was “ambiguous” because the sentencing court failed “to give a start date to each consecutive sentence(s) handed down.” He relied on Maryland Rule 4-351, which 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[.]” The court denied Harper’s motion.

On appeal, Harper first asserts that the court erred in denying his motion without a hearing. The “open hearing requirement found in Rule 4-345 ordinarily applies only when the court intends to ‘modify, reduce, correct, or vacate a sentence.’” *Scott v. State*, 379 Md. 170, 191 (2004). Here, the court denied the motion and, hence, a hearing was not required.

Harper next claims, as he did in his motion, that the court imposed “an ambiguous sentence” by failing to identify the date each sentence begins. We disagree.

The transcript reflects that the court imposed the following sentences:

As to the second degree murder, sentence is thirty years to the Department of Corrections.

As to the use of a handgun in the commission of a crime of violence, it is 20 years to the Department of Corrections consecutive.

As to . . . the attempted robbery with a dangerous and deadly weapon, it is 20 years to the Department of Corrections and that is consecutive to the sentences imposed previous.

As to unlawfully did conspire to rob with a dangerous and deadly weapon, the sentence is 20 years to the Department of Corrections consecutive[.] Credit for any pretrial incarceration time. ^[1]

Harper asserts that the “problem” with his sentence “is that you cannot determine which sentence is being served and when the consecutive sentence starts.” In other words, he seems to insist that the court was required to give a particular start and end date for each sentence. The law, however, does not require such specificity. The sentencing court announced the number of years to be served for each sentence and announced that the second sentence runs consecutively to the first, the third sentence runs consecutively to the second, and the fourth sentence runs consecutively to the third. Rule 4-351(a)(5) requires nothing further.

Harper must serve 30 years for second-degree murder.² Upon the completion of that sentence, the 20-year sentence for use of a handgun in the commission of a crime of violence begins. The sentence for attempted robbery with a dangerous and deadly weapon

¹ The commitment record is not in the record before us, but Harper does not claim that the commitment record conflicts in any way with the court’s pronouncement of sentence.

² We assume that the commitment record provides a start date for the second-degree murder sentence. Otherwise, the start date would be the sentencing date.

commences upon the expiration of the handgun sentence. Finally, the sentence for conspiracy begins upon Harper’s completion of the 20-year sentence for attempted robbery. There is no ambiguity or illegality in Harper’s sentence.³

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

³ Harper also seems to assert that, for parole consideration purposes, the sentencing court must identify a particular start and end date for each sentence. It is the province of the Parole Commission, however, not the courts, to determine whether to grant an inmate parole. How much time an inmate, including one who is serving consecutively run sentences, must serve before becoming parole eligible is set forth in § 7-301 of the Correctional Services Article of the Maryland Code.