

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1870

September Term, 2015

ORVILLE BROWN

v.

STATE OF MARYLAND

Meredith,
Leahy,
Sharer, J. Frederick
(Retired, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: August 19, 2016

*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 this belated appeal, ordered by the Circuit Court for Prince George's County in response to his petition for post-conviction relief, appellant, Orville Brown, asserts that the circuit court erred in not merging certain of his sentences and convictions following his conviction for possession of marijuana with intent to distribute and lesser, included offenses.

In response, the State concedes that merger is warranted under the facts of this case. We agree.

Therefore, Brown's separate, concurrent, sentence for possession of marijuana should merge with the sentence for possession of marijuana with intent to distribute.

Moreover, Brown's separate convictions for possession of equipment, etc, adapted to produce a controlled dangerous substance, under the facts presented, should merge.

**CASE REMANDED TO THE
CIRCUIT COURT FOR PRINCE
GEORGE'S COUNTY FOR
FURTHER PROCEEDINGS
CONSISTENT WITH THIS
OPINION.
COSTS ASSESSED TO PRINCE
GEORGE'S COUNTY.**