

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DONALD CROMWELL :
 :
 Petitioner :
 :
 v : Civil Action No. WDQ-05-2895
 :
 JAMES C. SMITH :
 and JAMES PEGUESE :
 :
 Respondents :

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MEMORANDUM

The above-captioned petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 alleges that Petitioner is illegally incarcerated as a result of a misinterpretation of the sentences imposed. Paper No. 1. Pursuant to this Court's Order of January 6, 2006, Respondents have filed an Answer asserting that no federal claims have been raised and, in the alternative, that the allegations are without merit. Paper No. 8. Upon review of the documents filed, this Court finds a hearing in this matter to be unnecessary. *See* Local Rule 105.6. For the reasons that follow, the petition shall be denied.

On March 6, 1980, Petitioner was sentenced to serve: 20 years for robbery with a deadly weapon; 10 years consecutive to the 20 years, for use of a handgun in the commission of a crime of violence; and four years concurrent with the 20 year term for unauthorized use. Paper No. 8 at Ex. 1. The term of confinement, imposed by the Circuit Court for Baltimore City, was given a starting date of August 3, 1979. *Id.* Petitioner asserts that the total amount of time he is obligated to serve on his sentence should be 20 years, but the Division of Correction has interpreted his sentence to be 30 years. He contends that because a starting date was given for his term of confinement, the sentences are ambiguous and the rule of lenity must be applied, making

