

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1104

September Term, 2016

BURCHELT ROUNDTREE

v.

STATE OF MARYLAND

Woodward C.J.,
Kehoe,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned)

JJ.

PER CURIAM

Filed: August 1, 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 2010, appellant, Burchelt Rountree, entered a guilty plea to first-degree assault in the Circuit Court for Baltimore County and was thereafter sentenced to a term of twenty years' imprisonment. In 2016, appellant filed a motion to correct an illegal sentence, alleging that the sentence imposed was above that which was contemplated by the plea agreement and, therefore, was illegal. The court denied appellant's motion without a hearing. He appeals, alleging that "the trial court's decision to deny the [his] motion to correct sentence was not legally correct because [he] was not granted a hearing pursuant to Maryland Rule 2-311(f)." We affirm.

Appellant maintains that Rule 2-311(f) requires that the court hold a hearing on his motion to correct an illegal sentence, and that "the court violated [his] due process rights by its denial." Rule 2-311(f) provides that the court may "not render a decision that is dispositive of a claim or defense without a hearing if one was requested." The Rule does not apply in this criminal case because it is a rule of civil procedure.

The applicable rule is Rule 4-345. Rule 4-345(a) provides that "the court may correct an illegal sentence at any time." Rule 4-345(f) requires a hearing only where the court "modif[ies], reduce[s], correct[s], or vacate[s] a sentence." The Rule does not require a hearing before a court denies a motion to correct an illegal sentence. Accordingly, a hearing was not required in this case.

Appellant does not appeal from the merits of the court's decision to deny his motion. But, having reviewed the transcript from the plea hearing, it is clear that the sentence

imposed by the court did not breach the terms of the plea agreement and, hence, appellant's sentence is legal.

**JUDGEMENT OF THE CIRCUIT COURT
FOR BALTIMORE COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**