

Circuit Court for Prince George's County
Case No. CT160353A

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 138

September Term, 2020

OLUWASHOLA AJAYI

v.

STATE OF MARYLAND

Fader, C.J.,
Zic,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 8, 2021

*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.

Oluwashola Ajayi, appellant, appeals from the denial of his motion to correct an illegal sentence. Because Mr. Ajayi’s sentences are legal, we shall affirm.

Following a 2016 jury trial in the Circuit Court for Prince George’s County, Mr. Ajayi was convicted of pandering of a minor; conspiracy to commit human trafficking of a minor; assignation; and contributing to the delinquency of a minor. The trial judge sentenced him to “twenty[-]five years, all but fifteen suspended for human trafficking; twenty-five years, all but fifteen suspended for conspiracy to commit human trafficking, consecutive; three years, consecutive, for contributing to the delinquency of a minor, and merged the remaining conviction.” This Court affirmed his convictions on direct appeal. *See Ajayi v. State*, No. 2087, Sept. Term 2016 (filed August 1, 2018).

In 2020, Mr. Ajayi filed a motion to correct illegal sentence, which the circuit court denied without a hearing. On appeal, Mr. Ajayi asserts that his sentence was illegal because: (1) the testimony of one of the State’s witnesses was “coerced by the State, and should have been suppressed”; (2) the “trial court admitted inadmissible hearsay statements over defense counsel’s standing objections”; (3) the “trial court exhibited judicial bias, acted as a second prosecutor, kept assisting the State, and created an aura of partiality in front of the jury.”

The Court of Appeals has explained that there is no relief, pursuant to Rule 4-345(a), where “the sentences imposed were not inherently illegal, despite some form of error or alleged injustice.” *Matthews v. State*, 424 Md. 503, 513 (2012). A sentence is “inherently illegal” for purposes of Rule 4-345(a) where there was no conviction warranting any sentence, *Chaney v. State*, 397 Md. 460, 466 (2007); where the sentence

imposed was not a permitted one, *id.*; or where the sentence imposed exceeded the sentence agreed upon as part of a binding plea agreement. *Matthews*, 424 Md. at 514. A sentence may also be “inherently illegal” where the underlying conviction should have merged with the conviction for another offense for sentencing purposes, where merger was required. *Pair v. State*, 202 Md. App. 617, 624 (2011). Notably, however, a “motion to correct an illegal sentence is not an alternative method of obtaining belated appellate review of the proceedings that led to the imposition of judgment and sentence in a criminal case.” *Colvin v. State*, 450 Md. 718, 725 (2016) (citation omitted).

With those principles in mind, we conclude that, even if true, none of the claims raised by Mr. Ajayi on appeal would render his sentence inherently illegal. Consequently, the circuit court did not err in denying his motion to correct illegal sentence.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**