

Circuit Court for Prince George's County  
Case No. CT880656A

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 186

September Term, 2018

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MICHAEL MERRELL JEFFREYS

v.

STATE OF MARYLAND

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Graeff,  
Arthur,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: March 7, 2019

\*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 1989, Michael Jeffreys, appellant, was convicted of the first-degree murders of Anthony Jones and Reginald Brown, as well as other related offenses, following a jury trial in the Circuit Court for Prince George’s County. Relevant to this appeal, Mr. Jeffreys was sentenced to life imprisonment for the murder of Brown. He was 16 years old at the time he committed the crimes.

In 2018, Mr. Jeffreys filed a motion to correct illegal sentence, asserting that his life sentence for the murder of Brown was illegal because it was an “indefinite” sentence that lacked a determinable end date. He also raised various challenges to Maryland’s parole scheme, claiming that the lack of “standards” for determining his parole eligibility violated the Eighth Amendment to the United States Constitution and Article 25 of the Maryland Declaration of Rights, and thus rendered his sentence illegal. The circuit court denied Mr. Jeffreys’ motion without a hearing. Because Mr. Jeffreys’ life sentence is legal, we affirm.

Although Mr. Jeffreys raises five issues regarding the legality of his life sentence, his claims essentially fall into two categories. First, he contends that the indefinite nature of a life sentence renders it illegal. But that claim lacks merit as the Court of Appeals has held that “[t]he imposition of a life sentence for first-degree murder is a sentence permitted by law.” *State v. Wilkins*, 393 Md. 269, 276 (2006). To be sure, Mr. Jeffreys’s sentence is “indefinite” in the sense that his life expectancy is unknowable and there is no guarantee when he will be paroled or if he will even be paroled before the end of his life. However, that does not render his sentence illegal or mean that it cannot be executed by the

Department of Public Safety and Correctional Services.<sup>1</sup> And, although Mr. Jeffreys is correct that he cannot earn diminution credits against his sentence, he can still earn diminution credits that can be applied “for parole eligibility purposes.” See *Bartholomey v. State*, 267 Md. 175, 195 (1972); see also Md. Code Ann., Correctional Servs. § 7-301(d)((1) (“[A]n inmate who has been sentenced to life imprisonment is not eligible for parole consideration until the inmate has served 15 years or the equivalent of 15 years considering the allowances for diminution of the inmate’s term of confinement under § 6-218 of the Criminal Procedure Article”). In short, there is nothing inherently illegal about a life sentence imposed for the crime of first-degree murder.

Mr. Jeffreys also raises various challenges to Maryland’s parole system, claiming that it violates the Eighth Amendment to the United States Constitution and Article 25 of the Maryland Declaration of Rights because his parole eligibility is “based solely on the discretion of the Governor”; there are no “standards or qualifications” that the Governor must follow to determine whether he will be paroled; and, even if such standards existed “the next Governor could exercise parole discretion in a different way that his or her predecessor.” However, in *Carter v. State*, 461 Md. 295 (2018), the Court of Appeals considered similar claims in the context of juvenile offenders who had been sentenced to

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<sup>1</sup> In claiming that an “indefinite” sentence is an illegal sentence, Mr. Jeffreys relies on *Coley v. State*, 76 Md. App. 731 (1988), wherein we noted that a “life sentence with fifteen years of it suspended” was an illegal sentence because the “very indefiniteness of a life expectancy . . . would make it impossible for the parole authorities to calculate backward from an uncertain date” to determine when the suspended portion of the sentence should begin. *Coley* is inapplicable to the instant case, however, as Mr. Jeffreys did not receive a suspended sentence and it is not impossible to calculate the date after which he would be eligible for parole.

life imprisonment, but contended that the parole system had transformed their sentences into the equivalent of life without the possibility of parole. The Court determined that Maryland’s current parole scheme, as it applies to juvenile offenders serving a life sentence, provides “a meaningful opportunity to obtain release based on demonstrated maturity or rehabilitation,” as opposed to parole simply being a “matter of grace,” and thus does not violate the Eighth Amendment prohibition against cruel and unusual punishment. *Id.* at 345-46. Consequently, the Court held that the juvenile appellants’ life sentences were not illegal. Although Mr. Jeffreys does not specifically discuss his status as a juvenile offender, he was in fact a juvenile at the time he was convicted and sentenced. Therefore, *Carter* is dispositive as to his claims that the parole decision-making process renders his life sentence illegal.<sup>2</sup>

Mr. Jeffreys has not identified any illegality in his sentences. 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.**

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<sup>2</sup> We note that the Court in *Carter* addressed the constitutionality of the appellants’ sentences under the Eighth Amendment, whereas Mr. Jeffreys also raises a claim under Article 25 of the Maryland Declaration of Rights. However, that does not warrant a different result as the Court of Appeals has stated that it “perceive[s] no difference between the protection afforded by [the Eighth Amendment] and by the 25<sup>th</sup> Article of our Declaration of Rights.” *Thomas v. State*, 333 Md. 84, 103 n.5 (1993) (*abrogated on other grounds by statute* as noted in *Robinson v. State*, 353 Md. 583, 700-01 (1999)).