

Circuit Court for Baltimore City
Case No.: 294068012

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 256

September Term, 2022

TERRENCE HAMMOCK

v.

STATE OF MARYLAND

Wells, C.J.,
Zic,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 6, 2022

*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 1994, Terrence Hammock, appellant, was charged, pursuant to a Criminal Information filed in the Circuit Court for Baltimore City, with robbery with a dangerous and deadly weapon, assault with intent to rob, use of a handgun in the commission of a felony or crime of violence, and wearing, carrying, and transporting a handgun. On August 12, 1994, he pleaded guilty to robbery and was sentenced to 10 years’ imprisonment, mostly suspended, and placed on a three-year term of probation.¹

In January 2022, Hammock, representing himself, filed a Rule 4-345(a) motion to “vacate and/or correct an illegal sentence.” He seemed to complain that his conviction and sentence were illegal because charging him with robbery, robbery with a deadly weapon, and assault with intent to rob violated the prohibition against double jeopardy because robbery and robbery with a deadly weapon “are the same” offenses. He also asserted that assault with intent to rob merges into robbery with a deadly weapon.

The circuit court reviewed its file and noted that, pursuant to a binding plea agreement, Hammock had pleaded guilty to “a single charge – robbery” and was sentenced in accordance with the plea agreement. The court found that “no illegality inheres” in his sentence and, accordingly, denied relief. Hammock appeals that ruling.

On appeal, Hammock seems to reiterate the claims he made in his motion. He also asserts that the charging document was somehow defective because the count charging him

¹ The record before us is slim. It appears that most of the 10-year sentence was suspended. In an order denying Hammock’s motion to correct the sentence, the circuit court stated that, pursuant to a binding plea agreement, Hammock “agreed to a ten (10) year sentence, with all time suspended with the exception of time served following his arrest[.]” In its brief filed in this appeal, the State asserts that Hammock “was sentenced to ten years, all suspended except three months, and three years of supervised probation.”

with robbery with a dangerous and deadly weapon failed to allege the property or service stolen and the value thereof. In short, he claims that the State “failed to obey [the] formula” for charging that offense.²

The State first asserts that the matter is moot because Hammock has “fully served” his sentence and, therefore, urges this Court to dismiss the appeal. But in any event, the State maintains that Hammock was not improperly charged and that there is nothing illegal with his sentence. We agree with the State.

The Court of Appeals recently reiterated that, although Rule 4-345(a) provides that a “court may correct an illegal sentence at any time,” the “phrase ‘at any time’ means that the preservation requirements do not apply to challenges to illegal sentences[.]” *State v. Bustillo*, ___ Md. ___, No. 56, Sept. Term, 2021 slip op. at 12 (filed August 24, 2022). The Court noted further that “the only temporal limitation on ‘at any time’ is that the

² Count 1 of the Criminal Information read:

The State’s Attorney for the City of Baltimore, duly authorized by law, on his official oath informs the said Court that the above named DEFENDANT(S), late of said City, heretofore on or about the date(s) of offense set forth above, at the location set forth above, in the City of Baltimore, State of Maryland, feloniously with a dangerous and deadly weapon, did rob the aforesaid Complainant, and violently did steal from the aforesaid Complainant, the description and value thereof incorporated herein by reference as Exhibit A; contrary to the form of the Act of the Assembly, in such case made and provided, and against the peace, government and dignity of the State. (Art. 27, Sec. 488 & 489).

The top of the page included the date of the offense (January 3, 1994), the location (4802 Melbourne Road), and the Complainant’s name (Ishmael Gallop). As indicated, the description of the property or services stolen was set forth in Exhibit A. Although Exhibit A is not included in the slim record before us, the Statement of Charges filed in the District Court indicate that Hammock was charged with stealing \$400.

correction must occur before the sentence is fully served.” *Id.* (citing *Barnes v. State*, 423 Md. 75, 86 (2011)).

Accordingly, given that Hammock has fully served his sentence, he is not entitled to relief under Rule 4-345(a) and we shall, therefore, dismiss the appeal. But even if he could belatedly seek to correct the sentence, we agree with the circuit court and the State that Hammock’s sentence was not inherently illegal.

**APPEAL DISMISSED. COSTS TO BE PAID
BY APPELLANT.**