

Circuit Court for Baltimore County
Case No. 03-K-04-001118

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 324

September Term, 2023

GREGORY DANIEL LAMBERT

v.

STATE OF MARYLAND

Berger,
Nazarian,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 1, 2023

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Gregory Daniel Lambert, appellant, appeals from the denials, by the Circuit Court for Baltimore County, of a motion to correct illegal sentence and an “Application for Issuance of a Writ of Habeas Corpus.” For the reasons that follow, we shall dismiss the appeal.

In 2005, Mr. Lambert was convicted by a jury of first degree murder and use of a handgun in the commission of a crime of violence. The court subsequently sentenced Mr. Lambert to life imprisonment for the first degree murder, and a consecutive term of imprisonment of twenty years for the use of a handgun in the commission of a crime of violence. On March 9, 2023, Mr. Lambert filed the motion to correct illegal sentence. On March 16, 2023, Mr. Lambert filed the application for writ of habeas corpus, in which he contended that because the court “failed to announce when the consecutive 20 year sentence is to begin with reference to the termination of the preceding life term,” the “sentence is ambiguous.” On March 20, 2023, the court, the Honorable Robert E. Cahill, Jr., presiding, denied the application. On April 13, 2023, Mr. Lambert filed a notice of appeal from “the decision and opinion of . . . Judge . . . Cahill . . . on March 20, 2023.” On June 20, 2023, the court, the Honorable Paul J. Hanley presiding, denied the motion to correct illegal sentence.

Mr. Lambert now challenges, on numerous grounds, the denials of the motion to correct illegal sentence and application for writ of habeas corpus. The State requests dismissal of the appeal of the denial of the application for writ of habeas corpus on the ground that “it is not authorized by law.” Alternatively, the State contends that the court “properly denied the application.”

We agree with the State that the appeal must be dismissed. With respect to the motion to correct illegal sentence, Judge Hanley had not yet denied the motion at the time that Mr. Lambert filed his notice of appeal. Hence, the appeal with respect to the motion was premature. With respect to the application for writ of habeas corpus, Md. Code (2001, 2018 Repl. Vol., 2022 Supp.), § 7-107(b)(1) of the Criminal Procedure Article (“CP”), states that “[i]n a case in which a person challenges the validity of confinement under a sentence of imprisonment by seeking the writ of habeas corpus . . . , a person may not appeal to the” Supreme Court of Maryland or this Court. Here, Mr. Lambert explicitly challenged the validity of his confinement under his sentence of imprisonment by seeking a writ of habeas corpus. CP § 7-107(b)(1) prohibits Mr. Lambert from appealing from the denial of the application, and hence, we dismiss the appeal.

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