Circuit Court for Somerset County
Case No. 19-K-05-008029

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 626

September Term, 2025

THOMAS DWAYNE COOK

v.

STATE OF MARYLAND

Graeff,
Berger,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 26, 2026

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

Thomas Dwayne Cook, appellant, appeals from an order issued by the Circuit Court for Somerset County denying his motion to correct illegal sentence. On appeal, he claims that the court erred in denying the motion, and in not holding a hearing. The State contends that the appeal should be dismissed as premature and, if not dismissed, that the claim raised in appellant's motion is barred by the law of the case doctrine and lacks merit. For the reasons that follow, we shall grant the State's motion to dismiss.

In May 2006, appellant was convicted by a jury of first-degree assault and two counts of reckless endangerment. The court sentenced appellant to a term of twenty-five years' imprisonment on the assault count to run "consecutive to the last sentence to expire of all outstanding and unserved Maryland sentences." The court merged one of the reckless endangerment convictions into the conviction of first-degree assault. With respect to the second reckless endangerment count the court stated that:

> [T]he sentence on . . . reckless endangerment [that was not merged] will be five years in the custody of the Commissioner of Correction. That sentence will be consecutive to the twenty-five years that the court has previously imposed . . . and will also be consecutive to the last sentence to expire of all outstanding and unserved Maryland sentences.
>
> So that the record is completely clear[,] the sentence of this court will be thirty years total, thirty years in the custody of the Commissioner of Correction consecutive to the last sentence to expire of all outstanding and unserved Maryland sentences.

The court subsequently issued a commitment record which stated that the sentence of five years for reckless endangerment "is [c]onsecutive to the" sentence for first-degree assault. The commitment record further stated that the "total time to be served is 30 years . . . to

run . . . consecutive to the last sentence to expire of all outstanding and unserved Maryland sentences."

In October 2024, appellant filed a motion to correct illegal sentence in which he contended that the court had violated Rule 4-351(a)(5), apparently because it failed to identify the exact date that his sentence for first-degree assault would end and his consecutive sentence for reckless endangerment would begin. On May 14, 2025, appellant filed a notice of appeal to this court indicating that he was appealing a May 12, 2025, denial of his motion to correct illegal sentence. Although a hearing was held on May 12, 2025, nothing in the record indicates that the motion was denied on that date. Rather, the hearing sheet that was entered on the docket indicates that, at the hearing, the judge denied appellant's request for DNA testing and his motions for "sentence reduction and the 8-505" that were filed in "the letter from the defendant dated April 3, 2025[.]"[1] Notably, the State filed an opposition to the motion to correct illegal sentence on May 20, 2025. The court then entered an order denying the motion on May 21, 2025.

This Court only has jurisdiction over an appeal when it is taken from a final judgment or is otherwise permitted by law. *See Addison v. Lochearn Nursing Home, LLC*, 411 Md. 251, 273-74 (2009). A final judgment is a judgment that "disposes of all claims against all parties and concludes the case." *Matter of Donald Edwin Williams Revocable Tr.*, 234 Md. App. 472, 490 (2017) (quotation marks and citation omitted).

> An order will constitute a final judgment if the following conditions are satisfied: (1) it must be intended by the court as an unqualified, final disposition of the matter in controversy; (2) it must adjudicate or complete

[1] Appellant has not provided a transcript of the May 12, 2025, hearing.

> the adjudication of all claims against all parties; and (3) the clerk must make a proper record of it on the docket.

Waterkeeper All., Inc. v. Md. Dep't of Agric., 439 Md. 262, 278 (2014) (internal quotation marks and citation omitted).

When appellant filed his notice of appeal, the circuit court had not yet entered its order denying his motion to correct illegal sentence. Consequently, his notice of appeal was premature as to that order. Moreover, the savings provision set forth in Maryland Rule 8-602(d) does not apply because there is nothing in the record demonstrating that there had been an "announcement" by the trial court of its decision at the time the notice of appeal was filed. Because appellant's notice of appeal was premature, the appeal must be dismissed.[2]

MOTION TO DISMISS APPEAL GRANTED. COSTS TO BE PAID BY APPELLANT.

[2] We note that even if the appeal were not dismissed, we would affirm. That is because the law does not mandate the specificity that appellant claims. The sentencing court announced the number of years to be served for each sentence and announced that the second sentence would run consecutively to the first. Maryland Rule 4-351(a)(5) requires nothing further. Thus, there is no illegality or irregularity in appellant's sentence. Finally, to the extent appellant contends that the court erred in not holding a hearing on his motion, the "open hearing requirement found in Rule 4-345 ordinarily applies only when the court intends to 'modify, reduce, correct, or vacate a sentence.'" *Scott v. State*, 379 Md. 170, 190 (2004) (cleaned up). Because the court denied appellant's motion, no hearing was required.