

Circuit Court for Anne Arundel County
Case No.: 02-K-97-000905

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 736

September Term, 2021

WILLIAM STEWART

v.

STATE OF MARYLAND

Nazarian,
Leahy,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 5, 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.

Following trial in the Circuit Court for Anne Arundel County in 1997, a jury found William Stewart, appellant, guilty of first-degree murder and a number of related offenses for shooting two people, one of whom died. Thereafter, the court sentenced him to life without the possibility of parole plus an additional term of 30 years to be served consecutively. Upon direct appeal of his convictions, this Court affirmed his convictions in an unreported opinion, *Stewart v. State*, No. 278, Sept. Term, 1998 (filed October 22, 1998).

On June 1, 2021, appellant, acting *pro se*, filed a motion to correct an illegal sentence pursuant to Maryland Rule 4-345, contending that all of his sentences are illegal because they are premised on illegal convictions. His convictions, according to appellant, are illegal, as best as this Court can discern, because (1) the trial court gave an incorrect jury instruction on the beyond a reasonable doubt burden of persuasion; (2) the jury returned, and the trial court erroneously accepted, a verdict that was defective because the jury merely found him “guilty” of each of the counts it found him guilty of, rather than finding him “guilty beyond a reasonable doubt” of those counts; and (3) the State and his trial counsel both erred in failing to bring any of the foregoing to the attention of the trial court.

On June 21, 2021, the circuit court signed an order summarily denying, without a hearing, appellant’s motion to correct an illegal sentence. Appellant noted a timely appeal

to this Court contending that the circuit court erred in denying his motion.¹ We disagree and shall affirm.

We review *de novo* a circuit court’s ruling on a motion to correct an illegal sentence. *Bratt v. State*, 468 Md. 481, 494 (2020). Rule 4-345(a) provides that a court “may correct an illegal sentence at any time,” but the Rule is very narrow in scope and is “limited to those situations in which the illegality inheres in the sentence itself[.]” *Chaney v. State*, 397 Md. 460, 466 (2007). An inherently illegal sentence is one in which there “has been

¹ Appellant presented us with the following questions:

1. Where a conviction is illegal, is the sentence imposed thereon also illegal, and, if so, is a challenge to such an illegal sentence cognizable under a motion to correct illegal sentence pursuant to Rule 4-345(a)?
2. Where the Supreme Court of the United States has interpreted the Sixth Amendment of the Constitution of the United States to specifically require that a jury, in a criminal case, return an expressed verdict of “guilty beyond a reasonable doubt” in order for the conviction to be sustained, and where the only verdicts rendered by the jury are “guilty” can the sentences imposed on the said “guilty” verdicts be Constitutionally legal sentences?
3. What are the pleading requirements, consistent with due process of law, entitling a litigant to a hearing on a motion to correct illegal sentence pursuant to Md. Rule 4-345(a)?
4. Under the particular circumstances of this case did the Motion Judge abuse his discretion by not conducting a hearing prior to the arbitrary denial of the motion?
5. Did the lower court err by denying any of the individual claims raised in the motion to correct illegal sentence?
6. Do the particular circumstances of the case require remand to the lower court for a hearing and articulated resolution on the merits of the claims raised in the motion to correct illegal sentence, or, the procedural matters advanced by the State?

no conviction warranting any sentence for the particular offense,” *id.*; where “the sentence is not a permitted one for the conviction upon which it was imposed,” *id.*; where the sentence exceeded the sentencing terms of a binding plea agreement, *Matthews v. State*, 424 Md. 503, 519 (2012); or where the court lacked the power or authority to impose the sentence. *Johnson v. State*, 427 Md. 356, 368 (2012). Notably, 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) (quoting *State v. Wilkins*, 393 Md. 269, 273 (2006)).

In this case, we are not persuaded that any of appellant’s contentions fall within the narrow scope of a Rule 4-345 motion to correct an illegal sentence as defined by this Court and the Court of Appeals. In addition, we note that a court may deny a motion to correct an illegal sentence without holding a hearing. *Scott v. State*, 379 Md. 170, 191 (2004).

Consequently, we shall affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT
COURT FOR ANNE ARUNDEL
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**