

Circuit Court for Wicomico County
Case No: 22-K-12-000028

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1053

September Term, 2018

MARCUS LEE SMILEY

v.

STATE OF MARYLAND

Beachley,
Wells,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 25, 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 2012, a jury sitting in the Circuit Court for Wicomico County convicted Marcus Lee Smiley, the appellant, of attempted murder in the first and second degrees, assault in the first and second degrees, three counts of reckless endangerment, use of a firearm in the commission of a crime of violence, illegal possession of a firearm, and wearing, carrying, and transporting a handgun on his person. The court sentenced Mr. Smiley to life imprisonment for the attempted first-degree murder, plus a consecutive term of 10 years for the handgun convictions. Other offenses merged for sentencing purposes. This Court affirmed the judgments, *Smiley v. State*, 216 Md. App. 1 (2014) and the Court of Appeals, upon its further review, also affirmed. *Smiley v. State*, 442 Md. 168 (2015).

In 2018, Mr. Smiley, in a self-represented capacity, filed a motion to correct an illegal sentence. He claimed that “no sentence should have been imposed for 1st and 2nd degree attempted murder, nor 1st and 2nd degree assault,” but his reasoning is difficult to discern. The court denied the motion.

On appeal, Mr. Smiley asserts that the court erred in denying his motion and doing so without holding a hearing. Mr. Smiley appears to claim that the verdicts in his case were inconsistent. The verdicts, however, were not legally inconsistent and his sentence is legal. Finally, a court may deny a Rule 4-345(a) motion to correct an illegal sentence without holding a hearing. *See Scott v. State*, 379 Md. 170, 190 (2004) (the “hearing requirement found in Rule 4-345 ordinarily applies only when the court intends to ‘modify, reduce, correct, or vacate a sentence.’”).

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