

Circuit Court for Baltimore City
Case Nos.: 109065020-21

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1137

September Term, 2023

VON HAMMOND

v.

STATE OF MARYLAND

Ripken,
Tang,
Kenney, James A., III.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 6, 2024

*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.

In 2014, a jury sitting in the Circuit Court for Baltimore City found Von Hammond, appellant, guilty of first-degree rape, second-degree rape, third-degree sex offense, fourth-degree sex offense, second-degree assault, and kidnapping. The court imposed a sentence of life imprisonment for first-degree rape, plus 10 years for kidnapping. The remaining convictions were merged offenses for sentencing purposes. On direct appeal, Mr. Hammond argued, among other things, that the trial court abused its discretion when it granted the State’s request to reopen the case after it had been on the stet docket for four years. We concluded that the trial court did not abuse its discretion in moving the case from the stet docket and affirmed the judgments. *Hammond v. State*, No. 929, Sept. Term, 2015 (filed July 12, 2016), *cert. denied*, 450 Md. 227 (2016) (*Hammond I*).

In 2019, Mr. Hammond, representing himself, filed a Rule 4-345(a) motion to correct an illegal sentence in which he asserted that the State had breached a plea agreement when the State moved to reopen his case without showing good cause. The circuit court denied the motion, noting that the “same allegation” was addressed on direct appeal and found to be without merit. Mr. Hammond appealed that ruling. We affirmed, noting, among other things, that Mr. Hammond’s sentence was legal and under the law of the case doctrine we would not revisit his contention that the trial court lacked good cause to reopen his case. We also determined that there was nothing in the record which reflected that the State and Mr. Hammond had entered into a plea agreement that would have prevented the State from moving to reopen the case. *Hammond v. State*, No. 2261, Sept. Term, 2019 (filed December 22, 2020) (*Hammond II*), slip op. at 3-4.

In 2023, Mr. Hammond filed another Rule 4-345(a) motion to correct an illegal sentence in which he once again alleged that his sentence is illegal because moving the case from the stet docket breached a plea agreement he had with the State. The circuit court denied relief. Mr. Hammond appeals that decision.

The State maintains that the law of the case doctrine precludes Mr. Hammond from reasserting the same illegal sentence claim made and previously rejected by this Court. We agree.

In *Hammond I*, this Court held that there was good cause to reopen the case and move it from the stet docket. In *Hammond II*, this Court declined to revisit that issue, holding that it was barred under the law of the case doctrine. We also concluded that there was no merit to Mr. Hammond’s claim that a plea agreement with the State prevented the State from moving to reopen his case. Our opinion has not changed. Under the law of the case doctrine, “[n]either questions that were decided nor questions that could have been raised and decided on appeal can be relitigated.” *State v. Holloway*, 232 Md. App. 272, 284 (2017) (quotation marks and citation omitted).

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**