Circuit Court for Baltimore City
Case Nos. 104273059-61

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 1356

September Term, 2023

RAYMOND THOMAS TAYLOR

v.

STATE OF MARYLAND

Friedman,
Zic,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 7, 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.

Raymond Thomas Taylor, appellant, appeals the denial, by the Circuit Court for Baltimore City, of his motion to correct illegal sentence. For the reasons that follow, we shall affirm.

In 2005, appellant pleaded guilty to three counts of attempted first-degree murder and three counts of use of a handgun in a crime of violence. There was no agreement as to the sentence to be imposed by the court. The court ultimately sentenced appellant to concurrent sentences of life imprisonment on the attempted first-degree murder counts and concurrent sentences of 20 years' imprisonment on the handgun counts.

In 2023, appellant filed a motion to correct illegal sentence claiming that his sentence was illegal because: (1) his trial counsel informed him that he would be pleading to three counts of attempted second-degree murder rather than three counts of attempted first-degree murder, and (2) during the qualification of the plea, he only "accepted the agreed plea of attempted second degree murder." The court denied appellant's motion without a hearing.

On appeal, appellant contends that his life sentences are illegal because he only "accepted to plead guilty to attempted 2nd degree murder." He alternatively contends that his guilty plea was not knowing and voluntary, and that the court violated Maryland Rule 4-242(c), because, during his plea qualification, the "nature of the charges for 1st degree attempted murder were not explained."[1]

[1] Although it is somewhat unclear, appellant also appears to contend that the court erred in denying his motion without a hearing. Although appellant does not include any argument in support of this claim, a court may deny a motion to correct illegal sentence without holding a hearing. *Scott v. State*, 379 Md. 170, 191 (2004).

The Supreme Court of Maryland has explained that there is no relief, pursuant to Maryland Rule 4-345(a), where "the sentences imposed were not inherently illegal, despite some form of error or alleged injustice." *Matthews v. State*, 424 Md. 503, 513 (2012). A sentence is "inherently illegal" for purposes of Rule 4-345(a) where there was no conviction warranting any sentence, *Chaney v. State*, 397 Md. 460, 466 (2007); where the sentence imposed was not a permitted one, *id.*; or where the sentence imposed exceeded the sentence agreed upon as part of a binding plea agreement, *Matthews*, 424 Md. at 514. A sentence may also be "inherently illegal" where the underlying conviction should have merged with the conviction for another offense for sentencing purposes, where merger was required. *Pair v. State*, 202 Md. App. 617, 624 (2011). Notably, however, 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) (quotation marks and citation omitted).

With those principles in mind, we first conclude that appellant's claims that his plea was not knowing and voluntary are not cognizable in a motion to correct illegal sentence because, even if true, they do not demonstrate that his sentence was inherently illegal. Rather, such arguments must be raised on direct appeal or in a post-conviction proceeding.[2]

[2] In fact, appellant raised almost identical claims in an earlier post-conviction petition. After that petition was denied, appellant filed an application for leave to appeal, specifically alleging that the "post-conviction court erred in concluding that [he] was not entitled to a new trial despite the record's failure to demonstrate affirmatively that he had pleaded guilty to the charges of attempted first-degree murder and use of a handgun in the commission of a crime of violence voluntarily and with an intelligent understanding of the

Appellant's remaining contention, that he was sentenced to life imprisonment for attempted first-degree murder when he in fact pleaded guilty to attempted second-degree murder, while cognizable in a motion to correct illegal sentence, lacks merit. At the plea hearing, with appellant present, defense counsel indicated that appellant was willing to plead guilty to all the counts the "State is calling" and that she had told appellant that "the maximum penalty [he could receive] is life imprisonment." Appellant affirmed that this was correct. The State then called for purposes of the plea three counts of attempted first-degree murder and three counts of use of a handgun in the commission of a crime of violence. During the plea qualification, appellant affirmed that he understood that the State had "the burden of proof to prove you guilty of every element of attempted first degree murder" and that the maximum possible penalty he could receive as a result of his plea to that offense was "life imprisonment." Later, counsel also explained that appellant's right to appeal would be limited in the event he pleaded guilty but that one of the few challenges he could raise would be "whether [or not he] received an illegal sentence." Counsel then informed appellant that "the maximum penalty is life imprisonment," that "the guidelines in this case for attempted first-degree murder are 20 years to 30 years," that "we'll be arguing for an appropriate sentence" and "[t]he State will be arguing for life." Appellant again indicated that he understood. After hearing the statement of facts, the court specifically indicated that it was finding appellant guilty of three counts of attempted first-

nature and elements of those charges." This Court considered and summarily denied the application. *Taylor v. State*, ALA No. 2022, Sept. Term, 2019 (filed April 14, 2020).

degree murder and three counts of use of a handgun in the commission of a crime of violence. Appellant did not contest this finding or indicate in any way that he believed he had pleaded guilty to a different offense.

Based on these facts, we are persuaded that appellant pleaded guilty to three counts of attempted first-degree murder and, therefore, that the concurrent life sentences he received on those counts are legal. Consequently, the court did not err in denying appellant's motion to correct illegal sentence.

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