

Circuit Court for Baltimore County
Case No. C-03-CR-22-000902

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1748

September Term, 2024

JOHN JOSEPH HOFFMAN

v.

STATE OF MARYLAND

Leahy,
Albright,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 28, 2025

*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.

Convicted by the Circuit Court for Baltimore County of first degree assault, John Joseph Hoffman, appellant, presents for our review a single issue: whether the court “relied on impermissible considerations in sentencing” him. For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State called Sabrina Ross, who testified that she had been engaged to Mr. Hoffman for four years. On December 2, 2021, Ms. Ross and Mr. Hoffman were in the camper where they lived when they had an argument. When Ms. Ross attempted to leave, Mr. Hoffman “ripped [her] clothes off,” “slammed [her] down on . . . the bed,” “ripped [her] off the bed by [her] feet,” “dragged [her] through the camper,” and dragged her “down the middle steps by [her] feet.” When Ms. Ross “tried running,” Mr. Hoffman “would pick [her] back up and squeeze [her] and . . . not let [her] go.” Ms. Ross “was able to get back into the camper,” where Mr. Hoffman “pushed [her] down on the bed again [with] great force,” “dragged [her] off [the] bed again by [her] feet through the camper [and] down the metal stairs,” “stood over [Ms. Ross’s] body with his knees smashed into [her] stomach,” and screamed that he was “going to kill” Ms. Ross. Mr. Hoffman “used great force with both of his knees into [Ms. Ross’s] chest and jumped on” her, “strangled [her] so hard at one point [that she] couldn’t see,” “hit [her] in the eye . . . four times open handed,” and “spit in [her] face.” Mr. Hoffman subsequently relented, and the following morning, Ms. Ross sent to a friend a text message asking her to contact police.

Following the verdict, the court ordered the completion of a “presentence investigation report.” The report was subsequently submitted to the court. At sentencing, the prosecutor stated that the sentencing guidelines “are two to seven years.” The

prosecutor further stated that the presentence investigation report contained a “breakdown of [s]tets and nolle prosses that are DV-related.” The prosecutor argued, in pertinent part:

The Defendant has a lengthy domestic violence contact history. He has three in Baltimore Count[y], including this one with Ms. Ross. He has one in Pennsylvania, that ultimately . . . was dismissed. But he has domestic violence contacts dating back to 2007 with one person. '12 with two other people. '14 with another person. And '15 with another person. And '16 and '17 with another person. And another person in '17.

So one, two, three, four, five, six, seven, eight different contacts, police contacts, involving something domestic in nature with, as I stated, eight different victims including Ms. Ross.

He has some not guilties, some STETS, and I think those are accurate in the report dealing with Baltimore County.

Defense counsel subsequently argued, in pertinent part:

. . . I take issue with the fact that [the prosecutor is] asking the Court to consider prior contacts. You know, basically types of matters which were either swept under the carpet; were civil matters domestic in nature.

But he has no prior convictions. Now, thank God under our system one is still innocent until proven guilty. And having prior contacts and no prior criminal record is something I'm asking the Court to take into consideration when making its final disposition in this case.

Following argument, the court stated, in pertinent part:

Thank you. The Court has had a lot to think about and has heard from many people. The Court has had an opportunity to hear from Counsel for both sides. And the Court would like to thank both Counsel for their excellent presentations to the Court.

The Court had an opportunity to hear from the Assistant State's Attorney representing the State, who spoke to this Court and recommended a sentence of active incarceration within the guidelines, which were presented to the Court.

The Court heard a victim impact statement from the victim in this case. And the Court has had an opportunity to hear how this incident has affected her and those close to her and her family.

And the Court has had an opportunity to hear from many members from either friends or family members either through – which were approximately 18 letters of support of the Defendant. And also persons who addressed their support in person here today. And the Court has had an opportunity to hear what they have had to say about their knowledge of and relationship of the – relationship with the Defendant.

The Court has had an opportunity to consider the presentence investigation report and those portions of the report which were corrected by Counsel, which were asked to be disregarded by Counsel. And those portions in which were not relevant to this Defendant, the Court will not consider.

The Court has had an opportunity to consider the prior criminal history of the Defendant. In a sentencing proceeding things that were either stetted or dismissed or not guilties are still able to be considered by this Court for sentencing purposes. But the Court has taken note of what those outcomes were.

The Court notes that there does appear to be one previous probation before judgment and an ordering of a – on that period of probation, to be an attendance of a 26-week abuse or intervention program and no contact with the victim in that case.

The Court has had an opportunity to review the Motor Vehicle record that was attached to the presentence investigation report and the personal history of the Defendant. The education of the Defendant. Employment of the Defendant, including but not limited to, that Mr. Hoffman has obtained a Maryland Home Improvement Commission license and is a general contractor.

And the Court has had an opportunity to review his employment history; his medical history; financial history.

And the Court has had an opportunity to hear from Mr. Hoffman who has stated that he has apologized for the incident and has an opportunity to address the Court.

The Court has had an opportunity to consider the previous and multiple noted victims of domestic incidents. The Court has noted that it spanned for many years and includ[ed] approximately eight contacts that were domestically related, including what the Court found to be was relayed to the Court, a credible incident of a previous severe domestic violence incident relating the same victim who is in this case.

The Court has had an opportunity to consider the facts of the case; the testimony of the case that was presented to the Court; the photographic evidence presented to the Court.

The Court finds the facts in this case to be disturbing. The Court found that the Defendant assaulted the victim by strangling – and also strangled the victim. The Court finds that the incident was brutal, violent[,] and horrific.

In weighing all those things the Court so finds We are here for sentencing for the acts of the Defendant and the actions thereof on December 2nd, 2021, approximately as articulated in Count 1, assault in the first degree.

It is the sentence of this Court, in consideration of all those things that I’ve said; in consideration of the theories of rehabilitation, deterrence[,] and punishment, finding that the Defendant does pose a severe risk to the safety of the named victim.

The sentence of the Court is as follows:

Count 1, the Court will impose what is called a split sentence, 25 years to the Division of Corrections, suspend all but seven years. With a period of five years of supervised probation

Mr. Hoffman contends that he “was deprived of a fair sentencing hearing, and therefore due process of law, because the court impermissibly considered [the] charges against him that did not result in conviction, without regard for whether those charges could be proven by reliable evidence.” The State counters that we “should reject this argument as waived and unpreserved.” Mr. Hoffman replies that, for numerous reasons, his contention is “neither waived nor unpreserved.”

We agree with Mr. Hoffman that his contention is preserved for our review. Rule 4-323(c) states that “[f]or purposes of review . . . on appeal of any . . . ruling or order” other than on an objection to the admission of evidence, “it is sufficient that a party, at the time the ruling or order is made or sought, makes known to the court the action that the party desires the court to take or the objection to the action of the court.” Here, defense counsel, in “tak[ing] issue with” the prosecutor’s request that the court “consider prior contacts” that did not result in conviction, made known to the court prior to the imposition of sentence his desire that the court disregard such contacts. Also, the court’s statement that “things that were either stетted or dismissed or not guіlties are still able to be considered . . . for sentencing purposes” indicates recognition that defense counsel desired that the court disregard the matters. We conclude that the court knew the action that Mr. Hoffman desired the court to take, and hence, his contention is preserved for our review.

Nevertheless, we reject Mr. Hoffman’s contention. Assuming, without deciding, that the court should not have considered the prior contacts, we have stated that “[i]n determining whether [a] sentencing judge was motivated by any impermissible consideration, we examine the entirety of the judge’s comments at sentencing and consider the challenged comments in that context.” *Townes v. State*, 264 Md. App. 500, 510 (2025) (internal citation and quotations omitted). Here, the court explicitly considered numerous permissible considerations, including Ms. Ross’s victim impact statement, oral and written statements by Mr. Hoffman’s friends and family members, the presentence investigation report, Mr. Hoffman’s motor vehicle record, personal history, education, employment history, medical history, financial history, and allocution, the testimony and “photographic

evidence” presented at trial, and the “disturbing,” “brutal,” “violent,” and “horrific” nature of the assault. Also, the court’s statement that it had “taken note of [the] outcomes” of cases “that were either stetted or dismissed or not guilties” indicates recognition that none of the cases resulted in a conviction. We further note that the court suspended eighteen years of the maximum potential executed term of imprisonment of 25 years, imposed an executed term of imprisonment of a length within the sentencing guidelines, and did not make any statement indicating that but for Mr. Hoffman’s prior domestic violence contacts, the court would have imposed a lesser total or executed term of imprisonment. From the entirety of the court’s comments at sentencing, we conclude that in sentencing Mr. Hoffman, the court was not motivated by any impermissible consideration.

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