

Circuit Court for Baltimore City
Case No. 118025041

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2202

September Term, 2024

JOHN FOWLER

v.

STATE OF MARYLAND

Graeff,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 17, 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.

John Fowler, 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 2019, appellant pleaded guilty to four counts of second-degree rape, one count of sexual abuse of a minor, and one count of incest. The sentencing court imposed consecutive 10-year sentences on each of the rape counts, a consecutive 20-year sentence on the sexual abuse of a minor count, and a concurrent 10-year sentence on the incest count, resulting in an aggregate sentence of 60 years' imprisonment. In October 2023, the court modified appellant's sentence to run the sexual abuse of a minor charge concurrent with his other sentences, resulting in an aggregate sentence of 40 years' imprisonment.

In 2024, appellant filed a motion to correct illegal sentence claiming that his sentence was illegal because "he was not fully advised of the direct consequences of his accepting a plea." Specifically, he claimed that his guilty plea was not knowing and voluntary because he was not informed by the court, or his counsel, that "as a result of his accepting the plea, he would be serving a mandatory sentence without the ability to accrue any diminution credits." The court denied appellant's motion without a hearing, finding that appellant's claim did not render his sentence inherently illegal, and that the sentences imposed for each count did not exceed the statutory maximum sentence allowed by law. This appeal followed.

As he did in the circuit court, appellant contends that his guilty plea was not "knowingly, intelligently, and voluntarily made[.]" and that he received ineffective assistance of counsel, because he was not "advised by the Court, his Counsel or the State that as a direct consequence of his acceptance of the plea, he would receive a mandatory

day for day sentence wherein he would not be eligible to receive any diminution credits.” He further asserts that because his guilty plea was “constitutionally invalid” this resulted in the imposition of an illegal sentence. We disagree.

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 conclude that appellant’s claims that his plea was not knowing and voluntary, and that he received ineffective assistance of counsel, 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.¹ 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.**

¹ In fact, appellant raised a nearly identical claim in an earlier post-conviction petition. After that petition was denied, appellant filed an application for leave to appeal, which was summarily denied.