

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2314

September Term, 2015

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MARK TIBBS

v.

STATE OF MARYLAND

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Krauser, C.J.,  
Nazarian,  
Moylan, Charles, E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: January 6, 2017

\*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 1986, Mark Tibbs, appellant, was convicted by a jury, in the Circuit Court for Baltimore City, of first degree murder and related offenses. When sentencing Tibbs for first degree murder, the trial court stated: “It is the judgment of this Court that you be sentenced to the jurisdiction of the Commissioner of Corrections for a period of the balance of your natural life[.]” In 2013, Tibbs filed a motion to correct illegal sentence claiming that, by using the term “natural life,” the trial court had unlawfully imposed a sentence of life without the possibility of parole. The circuit court denied Tibbs’s motion without a hearing. On appeal, Tibbs contends that the circuit court erred in denying his motion and in not holding a hearing. For the reasons that follow, we affirm.

When Tibbs was sentenced, the only possible sentences for first degree murder were death and life imprisonment. *See* Md. Ann. Code, Art. 27 § 412(b) (1982 Repl. Vol.) (stating that following a conviction for first degree murder a defendant could be sentenced to “either death or to imprisonment for life”). The Legislature did not add “life without the possibility of parole” as a possible sentence for first degree murder until 1987, the year after Tibbs was sentenced. *See* Md. Ann. Code, Art. 27 § 412(b) (1987 Repl. Vol.).

We are not persuaded that, by using the term “natural life,” the sentencing court imposed a sentence of life *without* the possibility of parole. Moreover, appellant has offered no evidence that his sentence has been construed in such a manner by the Department of Corrections. Because the record demonstrates that the trial court sentenced Tibbs to life imprisonment *with* the possibility of parole, a punishment that was statutorily authorized for first degree murder at the time he was sentenced, the circuit court did not err in denying his motion to correct illegal sentence. Finally, the circuit court was not required

to hold a hearing on appellant's motion as it did not modify, reduce, correct, or vacate his sentence. *See* Maryland Rule 4-345 (f).

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