

Circuit Court for Baltimore City
Case No. 112038018

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 752

September Term, 2021

DOMINIC MATTHEWS

v.

STATE OF MARYLAND

Graeff,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 2, 2022

*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 2013, Dominic Matthews, appellant, pleaded guilty to attempted first-degree murder and use of a handgun in a crime of violence in the Circuit Court for Baltimore City. The court imposed a sentence of life imprisonment, with all but 22 years suspended, on the first-degree murder count and a concurrent sentence of five years' imprisonment on the handgun count.

In 2020, Mr. Matthews filed a motion to correct illegal sentence claiming that his sentence was illegal because there was an insufficient factual basis to support his guilty plea. The court denied appellant's motion following a hearing. On appeal, Mr. Matthews raises the same claim that he did in his motion for illegal sentence. For the first time, he also contends that his sentence was illegal because the court violated Maryland Rule 4-242 when it accepted his guilty plea; his attorney failed to "perform several tasks" despite the fact that he "wanted a trial;" his plea was "taken under duress, and [was] involuntary;" and he did not "admit guilt" during his plea hearing. For the reasons that follow, we shall affirm.

The Court of Appeals has explained that there is no relief, pursuant to 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. 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, even if true, Mr. Matthews’s claims would not render his sentence inherently illegal.¹

Consequently, the circuit court did not err in denying his motion to correct illegal sentence.

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

¹ In any event, we note that review of Mr. Matthews’s claims would be limited by the fact that he has not provided a copy of the transcript of his guilty plea. And, as the party claiming error, he has the burden to show, “by the record, that the error occurred.” *Kovacs v. Kovacs*, 98 Md. App. 289, 303 (1993).