

Circuit Court for Baltimore County
Case No. 03K89-002295; 03K89-002296

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

Nos. 938 & 939

September Term, 2022

PAUL H. INSKEEP

v.

STATE OF MARYLAND

Friedman,
Albright,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 10, 2023

*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.

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

In 1990, Paul H. Inskip, appellant, entered an *Alford* plea, pursuant to a plea agreement, in the Circuit Court for Baltimore County, to one count of first-degree rape and one count of common law burglary. In exchange, the State agreed to nol pross numerous charges for rape and burglary against other victims. In the plea agreement, the State indicated that it would request a sentence of life imprisonment for the rape charge and a consecutive sentence of 20 years' imprisonment for the burglary charge. The plea agreement further indicated that “to support its recommendation, the State will introduce evidence including the facts of the Defendant’s involvement in the [] cases which were Nol Prossed.” Following a sentencing hearing, the court imposed the sentence requested by the State.

In 2022, appellant filed a motion to correct illegal sentence raising a number of claims. Relevant to this appeal, appellant asserted that his sentence was illegal because: (1) the court violated his “protected constitutional right against *Ex Post Facto* prohibition” when it allowed the State to introduce evidence regarding the charges that had been nol prossed; (2) the State had made false statements during sentencing regarding his involvement in the offenses that had been nol prossed; (3) his trial counsel was ineffective in convincing him to plead guilty, in pursuing an NCR defense, and in not challenging the State’s arguments at sentencing; (4) the sentencing court violated his due process rights by “relying on materially false and unreliable information” to “inflict[] a harsher sentence[:;]” and (5) one of the detectives involved in the case had perjured herself in a 1999 proceeding where appellant was attempting to access certain police reports so he could try to reopen his closed post-conviction case. The court denied the motion to correct illegal sentence

without a hearing. On appeal, appellant raises the same claims as he did in his motion for illegal sentence.¹ For the reasons that follow, we shall affirm the judgment of the circuit court.

The Court of Appeals 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, even if true,

¹ Although appellant only filed one notice of appeal from the court’s order denying his motion to correct illegal sentence, it was docketed twice, resulting in two open cases in this Court. On January 10, 2023, we entered an order consolidating the cases.

would not render his sentence inherently illegal.² Consequently, the court did not err in denying appellant’s motion to correct illegal sentence.

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

² We note that appellant also repeatedly asserts in his brief that the court violated the plea agreement when it considered evidence relating to the nol prossed offenses. This claim lacks merit. The plea agreement, which was signed by appellant, specifically indicates that the State would present facts related to those offenses at the sentencing hearing to support its recommended sentence.