

Circuit Court for Baltimore City  
Case No. 18736203

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1228

September Term, 2025

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ANTHONY JOHNSON

v.

STATE OF MARYLAND

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Friedman,  
Kehoe, S.,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: May 27, 2026

\*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.

Anthony Johnson, 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 1988, a jury convicted appellant of first-degree murder, use of a handgun in the commission of a crime of violence, and wearing, carrying, or transporting a handgun. The court imposed a sentence of life imprisonment on the murder count and a consecutive sentence of 20 years' imprisonment on the handgun use count. The court merged the remaining handgun conviction for sentencing purposes.

In 2025, appellant filed a motion to correct illegal sentence, claiming that his sentence was illegal because the trial court: (1) failed to assure his constitutional right to be present at a critical stage of the trial when it responded to a jury note in his absence, and (2) deprived him of his right to counsel when it failed to inform his attorney that it had received the note from the jury. He further contended that his sentences were illegal because those errors amounted to “structural error.” The court denied appellant’s motion without a hearing. This appeal followed.

On appeal, appellant raises the same claims as he did in the circuit court. 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 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. 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.**