

Circuit Court for Baltimore City  
Case No.: 109065020

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 1355

September Term, 2024

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VON HAMMOND

v.

STATE OF MARYLAND

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Berger,  
Tang,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: May 29, 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.

Von Hammond appeals from the denial of his petition for writ of error coram nobis. The State maintains that the circuit court properly denied relief because (1) the issue Hammond raised is barred by the law of the case doctrine and (2) he does not qualify for coram nobis relief. Because we agree with the State, we shall affirm the judgment.

### **BACKGROUND**

In 2014, a jury sitting in the Circuit Court for Baltimore City found Hammond guilty of first-degree rape, second-degree rape, third-degree sex offense, fourth-degree sex offense, second-degree assault, and kidnapping. The court sentenced him to life imprisonment for first-degree rape and to a consecutive 10 years for kidnapping. (The remaining convictions were merged offenses for sentencing purposes.) On direct appeal, among other things, Hammond argued that the trial court abused its discretion when it granted the State’s request to reopen the case after it had been on the stet docket for four years.<sup>1</sup> We concluded that the trial court did not abuse its discretion in moving the case from the stet docket and affirmed the judgments. *Hammond v. State*, No. 929, Sept. Term, 2015 (filed unreported on July 12, 2016) (*Hammond I*), *cert. denied*, 450 Md. 227 (2016).

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<sup>1</sup> On June 18, 2009, the State placed this case on the stet docket with the understanding that the case would not be “dismiss[ed]” or prosecuted at that time and “either [the court] or the State [could] reopen the case for a year” and “[t]hereafter, the State would have to show good [cause]” to reopen it. In 2013, the State moved to reopen the case and remove it from the stet docket asserting “sufficient good cause to reopen” based on DNA test results and a second offense “with the same facts” committed by Hammond. The defense argued that the State had not established good cause to reopen and prosecute the case. The court disagreed and granted the State’s request to move the case from the stet docket.

In 2019, Hammond, representing himself, filed a Rule 4-345(a) motion to correct an illegal sentence in which he asserted that the State had breached a plea agreement when it moved to reopen his case without showing good cause. The circuit court denied the motion, noting that the “same allegation” was addressed on direct appeal and found to be without merit. Hammond appealed that ruling. This Court affirmed the judgment and in doing so concluded that Hammond’s sentence was legal and that, under the law of the case doctrine, we would not revisit his contention that there was a lack of good cause to reopen his case. We also determined that there was nothing in the record which reflected that the State and Hammond had entered into a plea agreement that would have prevented the State from moving to reopen the case. *Hammond v. State*, No. 2261, Sept. Term, 2019 (filed unreported on December 22, 2020) (*Hammond II*), slip op. at 3-4.

In 2023, Hammond filed another Rule 4-345(a) motion to correct an illegal sentence in which he once again alleged that his sentence is illegal because moving the case from the stet docket breached a plea agreement he had with the State. The circuit court denied relief. On appeal, this Court noted that Hammond had raised the same issue in *Hammond I* and *Hammond II* and we found no reason to change our opinion that Hammond’s claim had no merit and that the law of the case doctrine barred him from relitigating the issue. Thus, we affirmed the judgment. *Hammond v. State*, No. 1137, Sept. Term, 2023 (filed unreported February 6, 2024) (*Hammond III*), slip op. 2.

In 2024, Hammond, who continues to represent himself, filed a petition for writ of error coram nobis. Once again, he raised the same contention, that is, that the State breached his plea agreement by requesting that the case be reopened four and a half years

after it was placed on the stet docket. He asserted that the “collateral consequence” of that action is “the life sentence” he is serving for the conviction in the case. The State opposed the petition, and the circuit court denied relief.

### **DISCUSSION**

On appeal, Hammond frames the “Questioned Presented” as: “Trial court made a erroneous decision because the state breach and did not honor the plea agreement by reopening a 2009 four in a half year old stet docket after the one year time period expire.” He argues that “[t]he only real dispute is that the state breach the plea agreement” when it requested that the case be moved from the stet docket. The State maintains that the circuit court correctly denied Hammond’s petition for writ of error coram nobis because Hammond did not qualify for that relief and, even if he did, his contention has already been considered and rejected by this Court.

“Under the law of the case doctrine, neither questions that were decided nor questions that could have been raised and decided on appeal can be relitigated.” *Holloway v. State*, 232 Md. App. 272, 284 (2017) (cleaned up). Hammond’s contention that the State breached a plea agreement and that the court erred in granting the State’s request to move his case from the stet docket has been considered and rejected by this Court. Accordingly, the circuit court did not err in denying coram nobis relief, and we shall not reconsider the

merits of Hammond’s contention on appeal as it is the same issue Hammond raised or could have raised on direct appeal.<sup>2</sup>

Moreover, we agree with the State that Hammond does not qualify for coram nobis relief because he has not alleged that he is suffering or facing a “significant collateral consequence” as a result of his conviction in this case. *See Skok v. State*, 361 Md. 52, 78 (2000) (setting forth the criteria for coram nobis relief eligibility). Rather, as the State points out, his life sentence is a *direct* consequence of the conviction. Examples of a significant *collateral* consequence include a sentence enhancement in a different and subsequent case, *Parker v. State*, 160 Md. App. 672 (2005), and deportation or removal proceedings as a result of the conviction, *Skok*.

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

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<sup>2</sup> In his reply brief, Hammond seems to assert that on direct appeal he argued that the court abused its discretion in moving his case from the stet docket and in his petition for writ of error coram nobis his argument was that the State breached the plea agreement by moving to reopen the case. Even if correct, the distinction is without merit as the law of the case doctrine applies to questions that were raised *or could have been raised* in Hammond’s direct appeal.