

Circuit Court for Baltimore City
Case Nos: 190302030, 32, 34

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1516

September Term, 2019

TIMOTHY EARL HATCHETT

v.

STATE OF MARYLAND

Arthur,
Beachley,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 2, 2020

*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 1991, a jury in the Circuit Court for Baltimore City convicted appellant, Timothy Earl Hatchett, and his co-defendant, Phillip Alvin Jones, Jr., of attempted first-degree murder, use of a handgun in the commission of a crime of violence, and related offenses. Mr. Hatchett was sentenced to a total term of life imprisonment, plus 20 years. This Court affirmed the judgments. *Timothy Earl Hatchett and Phillip Alvin Jones, Jr. v. State of Maryland*, No. 820, September Term, 1991 (filed March 20, 1992).

In 2019, Mr. Hatchett, representing himself, filed a motion to correct an illegal sentence in which he asserted that his sentence is illegal because “his sentence of life with parole cannot be diminished by his diminution credits earned while in pretrial detention or in DOC and according to the Department of Public Safety and Correctional Services (the Parole Board) has increased the sentence to an inevitable death sentence.”¹ The circuit court denied the motion, and Mr. Hatchett appeals that ruling. We shall affirm because his sentence is legal.

On appeal, Mr. Hatchett asserts that the circuit court “abused its discretion in failing to hold a hearing to recognize and correct the illegal sentence of life with parole that cannot be completed, obtained, and/or is vague.” He further maintains his sentence is illegal because “it cannot be completed without death being the terminal goal” and the Department of Correction is “carrying out said sentence as a *de facto* life without parole or death sentence.” He requests that relief be fashioned so that his “sentence could be understood for purpose of mandatory release or maximum expiration date[.]”

¹ Mr. Hatchett related that he was sentenced on June 13, 1991 and the effective date of the sentence was September 15, 1990, which took into account his pre-trial detention.

The State responds that Mr. Hatchett is not entitled to a specific release date. The State cites *Witherspoon v. Maryland Parole Commission*, 149 Md. App. 101, 106 (2002) where this Court stated: “An inmate serving a parolable life sentence cannot obtain early release based on diminution of confinement credits. That is because there is no maximum expiration date on such an inmate’s sentence from which the diminution credits could be subtracted.” And because Mr. Hatchett’s sentence is legal, the State maintains that the circuit court correctly denied his motion to correct it.

We agree with the State. Mr. Hatchett’s sentence is not illegal and the issue he is raising is not the proper subject of a motion to correct an illegal sentence. *See Bratt v. State*, 468 Md. 481 (2020). And the circuit court is not required to hold a hearing before denying a Rule 4-345(a) motion to correct an illegal sentence. *Id.* at 504.

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