

Circuit Court for Baltimore City
Case Nos. 196029012 and 196029013

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1594

September Term, 2025

JOSEPH L. SIMMS

v.

STATE OF MARYLAND

Zic,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 7, 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.

Joseph L. Simms, appellant, appeals from the denial, by the Circuit Court for Baltimore City, of a “Motion for Leave to File for a Three Judge Panel Review and Reduction or Modification of His Illegally Imposed Sentence” (hereinafter “motion to correct illegal sentence”). For the reasons that follow, we shall affirm the judgment of the circuit court.

In January 1996, Mr. Simms was charged by indictment in each of two cases with first degree murder and related offenses. In March 1996, the State filed in each case a notice of its intention to seek a sentence of life without the possibility of parole. In April 1998, Mr. Simms was convicted by a jury in each case of first degree murder and carrying a deadly weapon with intent to injure. At sentencing, defense counsel stated, in pertinent part: “I understand that the State is asking for a sentence of life without parole in this case. I’ve been aware of that for some[]time, and we were aware that that was the ultimate goal of the State, should there be a conviction in this case.” The court subsequently imposed in circuit court case number 196029012 a term of life imprisonment without the possibility of parole for first degree murder, and a consecutive term of imprisonment of three years for carrying a deadly weapon with intent to injure. In circuit court case number 196029013, the court imposed a term of life imprisonment without the possibility of parole for first degree murder, to be served consecutively to the sentences in case number 196029012, and a consecutive term of imprisonment of three years for carrying a deadly weapon with intent to injure.

In February 2025, Mr. Simms filed the motion to correct illegal sentence, in which he contended, in pertinent part, that “the State deliberately failed to provide him with

proper and required written notice of its intentions to seek an enhanced double life term of imprisonment involving the maximum penalty of consecutive life sentences without the possibility of parole.” The court denied the motion.

Mr. Simms contends that, for three reasons, the court erred in denying the motion. Mr. Simms first contends that the sentences for first degree murder “were illegally imposed because the State failed to file and serve a formal written notice of its intention to seek such an enhanced sentence.” But, the record clearly reflects that the State filed such notice over two years prior to trial, and at sentencing, defense counsel clearly indicated that both he and Mr. Simms “were aware that” a sentence of life imprisonment without the possibility of parole “was the ultimate goal of the State.” Hence, the court did not err in failing to conclude that the State failed to file and serve such notice.

Mr. Simms next contends that the court erred in failing to hold a hearing on the motion, because “Rule 4-345(e) requires courts to hold a hearing if there are factual dispute[s] or [if] requested by the parties.” But, Rule 4-345(e) governs the filing of not a motion to correct illegal sentence, but a motion for modification of sentence. Rule 4-345(a), which governs the filing of a motion to correct illegal sentence, does not require a court to hold a hearing on such a motion prior to denying the motion, and hence, the court did not err in failing to hold such a hearing.

Mr. Simms next contends that the court erred in “failing to consider[]” his “post-conviction and sentencing rehabilitative efforts.” But, Mr. Simms does not cite any authority that requires a court to consider such efforts in determining, or makes such efforts

relevant to the determination of, whether a sentence is illegal. Hence, the court did not err in denying the motion to correct illegal sentence.

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