

Circuit Court for Worcester County
Case No: 23-K-16-000181

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2144

September Term, 2018

KINSEY A. NIXON

v.

STATE OF MARYLAND

Arthur,
Gould,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 6, 2019

*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.

Kinsey Alexander Nixon filed a motion to correct an illegal sentence in the Circuit Court for Worcester County in which he claimed that his sentence to 25 years' imprisonment for possession with intent to distribute a controlled dangerous substance was illegal because the State had served its notice of intent to seek an enhanced sentence on the day of sentencing, and not at least 15 days prior to the sentencing hearing as required by Rule 4-245(c). Mr. Nixon appeals the circuit court's denial of that motion.

We affirm because the issue he is raising is not cognizable in a Rule 4-345(a) motion to correct an illegal sentence. The Court of Appeals recently held that “the imposition of a sentence enhancement despite the State’s failure to timely serve the notice for the enhanced sentence does not qualify as an illegal sentence pursuant to Maryland Rule 4-345(a).” *Bailey v. State*, ___ Md. ___, slip op. at 8 (filed July 17, 2019).

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