

Circuit Court for Harford County
Case No: 12-K-83-009071

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2439

September Term, 2019

ROBERT GARRETT, SR.

v.

STATE OF MARYLAND

Fader, C.J.,
Kehoe,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 5, 2021

*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 1983, a jury in the Circuit Court for Harford County found Robert Lee Garrett, Sr., appellant, guilty of first-degree murder, use of a handgun in the commission of a felony, and unlawfully carrying and transporting a handgun. The court sentenced him for the murder to “the Division of Correction for the term of your natural life.” The court sentenced him to a total of 18 years for the handgun offenses, to run consecutively to the life sentence. On direct appeal, this Court affirmed the convictions. *Garrett v. State*, No. 1241, September Term, 1984 (filed April 30, 1985).

In 2018, Mr. Garrett, representing himself, filed a Rule 4-345(a) motion to correct an illegal sentence in which he challenged the life sentence for murder. Mr. Garrett asserted that a sentence to “natural life” was a sentence to “life without the possibility of parole” and that his sentence was illegal because a sentence to life without the possibility of parole did not become a sentencing option for first-degree murder until 1987, several years after he was sentenced. The State responded that Mr. Garrett, in fact, had been sentenced to life and that the term “natural life” at the time meant life, not life without the possibility of parole. By order dated January 15, 2020, the circuit court summarily denied the motion, a decision Mr. Garrett appeals.

On appeal, Mr. Garrett continues to maintain that, by sentencing him to a term of his “natural life,” the sentencing court had sentenced him to life without the possibility of parole. The State disagrees and provides a historical summary of the penalty for first-degree murder in Maryland and discusses the legislature’s use of the phrase “natural life.” The State also points out that, when Mr. Garrett was sentenced in 1984, the only sentencing options were death or life imprisonment with the possibility of parole. And the State asserts

that, although the sentencing court used the “pre-1978 vernacular” of “natural life” when it sentenced Mr. Garrett, it was not unusual for some courts at that time to use that phrase interchangeably with “imprisonment for life.”

We agree with the State. At the time Mr. Garrett was sentenced, the penalty for first-degree murder was death or imprisonment for life. *See* Md. Code, Article 27, § 412(b) (1982 Repl. Vol.). He was sentenced to prison for the “term of [his] natural life,” which at that time could only have meant life imprisonment. “Natural life” in the sentencing context was language previously used to mean life imprisonment. *See* Md. Code, Article 27, § 413(a) (1976 Repl. Vol.) (“Every person convicted of murder in the first degree shall undergo a confinement in the penitentiary of the State for the period of their natural life unless otherwise provided in this section.”). A sentence to life without the possibility of parole did not become a sentencing option until July 1, 1987, *see* Acts of 1987 chapter 237, and was only applicable for offenses committed after that date. *Collins v. State*, 318 Md. 269, 298 (1990). Moreover, nothing in the record before us indicates that the sentencing court - even if it had the authority to do so, which it did not - precluded the possibility of parole should Mr. Garrett become eligible for it.

In short, Mr. Garrett was sentenced to life imprisonment, not to life without the possibility of parole. Accordingly, the circuit court did not err in denying his motion to correct an illegal sentence.

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