

Circuit Court for Baltimore City
Case Nos. 190302005, 09, 13, 17, 21, 25

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2451

September Term, 2019

DEWAYNE BROWN

v.

STATE OF MARYLAND

Fader, C.J.
Leahy,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 30, 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 1991, Dewayne Brown, appellant, was convicted by a jury in the Circuit Court for Baltimore City of first-degree murder, conspiracy to commit murder, kidnapping, assault, and various weapons offenses. The court ultimately imposed a total sentence of life imprisonment plus 20 years. This Court affirmed appellant’s convictions on direct appeal. *Brown v. State*, No. 1192, Sept. Term 1991 (filed May 15, 1992).

In 2020, appellant, representing himself, filed a Rule 4-345(a) motion to correct illegal sentence in which he asserted that his sentence was illegal because the credit he was due for pre-trial detention was applied by back-dating the start of his sentence to the date he was arrested and apparently held without bail. He asserted that this was a misapplication of his earned credit because, rather than subtracting the credit from his life sentence, the credit was “ADDED” to his sentence forcing him to “serve more time than what is required by law.” The court denied the motion without a hearing. On appeal, appellant raises the same claim as he did in his motion to correct illegal sentence. He also asserts for the first time that his sentence is illegal because the court did not “provide him with a sentence he could understand.” For the reasons that follow, we shall affirm.

Rule 4-345(a) provides that a court “may correct an illegal sentence at any time.” But the Rule is very narrow in scope and is “limited to those situations in which the illegality inheres in the sentence itself[.]” *Chaney v. State*, 397 Md. 460, 466 (2007). An inherently illegal sentence is one in which there “has been no conviction warranting any sentence for the particular offense,” *id.*, where “the sentence is not a permitted one for the conviction upon which it was imposed,” *id.*, where the sentence exceeded the sentencing terms of a binding plea agreement, *Matthews v. State*, 424 Md. 503, 519 (2012), or where

the court lacked the power or authority to impose the sentence. *Johnson v. State*, 427 Md. 356, 368 (2012). Notably, however, a ““motion to correct an illegal sentence is not an alternative method of obtaining belated appellate review of the proceedings that led to the imposition of judgment and sentence in a criminal case.”” *Colvin v. State*, 450 Md. 718, 725 (2016) (quoting *State v. Wilkins*, 393 Md. 269, 273 (2006)).

A sentence to life without parole for first-degree murder is lawful. Md. Code Ann., Criminal Law § 2-201(b) (previously codified as Article 27 § 412(b)). And an allegation regarding credit to be applied to a sentence is not the proper subject of a Rule 4-345(a) motion to correct an illegal sentence. *Bratt v. State*, 468 Md. 481, 499-500 (2020).

In any event, we note that appellant’s concern does not appear to be that the court failed to award him the proper amount of earned credit. Rather, he appears to be under the impression that the court could have somehow subtracted his credit from the end of his life sentence, thus diminishing or reducing his life sentence to a term of years. But this is incorrect. Simply put, there is no maximum expiration date of a life sentence from which to subtract any credit. *See Witherspoon v. Maryland Parole Commission*, 149 Md. App. 101, 106 (2002) (“An inmate serving a parolable life sentence cannot obtain early release based on diminution of confinement credits[.]”). Rather, any credits to which appellant is entitled are taken into account when determining when he is eligible for parole. *Id.*

Finally, appellant asserts that the court imposed a sentence that “he could not understand.” But he did not raise this issue in his motion to correct illegal sentence. Moreover, even if we assume that appellant could raise this claim for the first time on appeal, it is also based on his incorrect belief that a life sentence must have a definite end

date, which it does not. Appellant does not otherwise indicate how this contention is cognizable in an illegal sentence motion. Consequently, appellant's sentence is legal, and the court did not err in denying his motion to correct illegal sentence.

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