

Circuit Court for Dorchester County
Case No.: 09-K-13-015027

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 501

September Term, 2024

JAMONTE JAMAR FLETCHER

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: March 4, 2025

*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.

Jamonte Jamar Fletcher filed a Rule 4-345(a) motion to correct an illegal sentence, which the Circuit Court for Dorchester County denied. He appeals that ruling. For the reasons to be discussed, we shall affirm the judgment.

BACKGROUND¹

On April 26, 2013, after receiving a late-night call for suspicious activity, the police confronted Fletcher who “took off in a full sprint.” Following a chase, Fletcher was apprehended. The police recovered a black semi-automatic handgun with a .25 caliber round in the chamber; a box of 42 rounds of .25 caliber ammunition; a bag containing ten bags of what was later determined to be marijuana with a combined weight of 34.57 grams; a digital scale; and \$370 cash.

On June 18, 2013, a criminal information filed in the circuit court in case no. 09-K-13-015013 charged Fletcher with possession of CDS with intent to distribute in violation of Crim. Law § 5-602 (Count 1); illegal possession of a firearm in violation of Crim. Law § 5-622 (Count 2); illegal possession of a regulated firearm in violation of Public Safety § 5-133(b) (Count 3); use of a firearm in the commission of a felony in violation of Crim. Law § 4-204(b) (Count 4); wearing, carrying, and transporting a handgun in violation of Crim. Law § 4-203 (Count 5); possession of marijuana in violation of Crim. Law § 5-601(a)(1) (Count 6); and possession of paraphernalia in violation of Crim. Law § 5-619(c)(1) (Counts 7 and 8).

¹ The facts related to Fletcher’s arrest are taken from this Court’s opinion affirming his convictions in *Fletcher v. State*, Nos. 2683 and 2790, September Term, 2013 (filed unreported on February 6, 2015).

On July 3, 2013, a criminal information was filed in case no. 09-K-13-015027 charging Fletcher with a single count: possession of a handgun during and in relation to a drug trafficking crime under sufficient circumstances to constitute a nexus to the drug trafficking crime in violation of Crim. Law § 5-621(b)(1). This count was based on the same incident giving rise to the charges in case no. 015013, that is, the incident that led to his arrest on or about April 26, 2013.

The cases were tried together. The court granted the defense motion for judgment of acquittal of Count 4 (use of a handgun in the commission of a felony). A jury found Fletcher guilty of all the remaining charges in both cases. The court sentenced Fletcher to 20 years' imprisonment (the first five years to be served without the possibility of parole) for the possession of a handgun during and relation to a drug trafficking crime (Count 1 of case no. 015027). The court imposed a sentence of five years for illegal possession of a regulated firearm (Count 3 of case no. 015013), to run consecutively to the aforementioned sentence. The court merged the remaining convictions for sentencing purposes.

On appeal, Fletcher challenged (1) the court's denial of his motion to suppress the evidence seized at the time of the arrest; and (2) the sufficiency of the evidence in support of the conviction for possession of a firearm during and in relation to a drug trafficking crime. This Court affirmed the judgments. *Fletcher v. State*, Nos. 2683 and 2790, September Term, 2013 (filed unreported on February 6, 2015). In short, this Court concluded that "the evidence was sufficient to establish that appellant possessed a handgun in relation to a drug trafficking crime." *Slip op.* at 14.

On February 5, 2024, Fletcher, representing himself, filed a Rule 4-345(a) motion to correct an illegal sentence in case no. 015027 in which he challenged the legality of his conviction and sentence for possession of a firearm in relation to a drug trafficking crime. He acknowledged that both of his cases “stemm[ed] from one criminal event[.]” and that the cases were tried together. In essence, he maintained, however, that the criminal information in case no. 015027 did not properly charge him with a violation of Crim. Law § 5-621 because that charging document did not include any charges related to the possession, distribution, manufacture, or importation of a controlled dangerous substance. Without that “nexus or connection,” Fletcher asserted that he could not be convicted of possession of a handgun in relation to a drug trafficking crime. And he insisted that the controlled dangerous substance offenses charged in case no. 015013 could not provide the necessary nexus or relation because they were contained in a separate charging document and the cases “were separate, until a[n] oral motion was made to consolidate each only for the purposes of trial.”

The circuit court denied the motion. Among other things, the court noted that “[t]here is no requirement that the nexus be established in one charging document. The nexus rests upon the facts of the event, hence the consolidation for trial.” Fletcher appeals that ruling.

DISCUSSION

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, 370 (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)). In other words, “only claims sounding in substantive law, not procedural law, may be raised through a Rule 4-345(a) motion.” *Id.* at 728. Appellate court review of the circuit court’s ruling on a motion to correct an illegal sentence is *de novo*. *Bratt v. State*, 468 Md. 481, 494 (2020).

Here, Fletcher is attacking his conviction for possession of a firearm in relation to a drug trafficking crime. On direct appeal, however, this Court affirmed that conviction. His sentence is not inherently illegal. Accordingly, the circuit court did not err in denying his Rule 4-345(a) motion to correct it.

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