

Circuit Court for Cecil County
Case No. 07-K-00-000309

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 640

September Term, 2022

DANNY CARROLL HOSKINS

v.

STATE OF MARYLAND

Wells, C.J.,
Tang,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 30, 2022

*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.

Following a jury trial in the Circuit Court for Cecil County, Danny Carroll Hoskins, appellant, was convicted of first-degree murder and sentenced to a term of life imprisonment without parole. This Court affirmed his conviction on direct appeal. *Hoskins v. State*, No. 2681, Sept. Term 2001 (filed Oct. 16, 2003).

In 2022, appellant filed a motion to correct illegal sentence, wherein he claimed that his sentence of life imprisonment without parole was illegal because the State had failed to establish that he had three prior convictions for a crime of violence, and that he had served three separate terms of confinement for those convictions. The State filed a response wherein it noted that, at the time of appellant's sentencing, there was no requirement that it prove that he had three prior convictions before the court could impose a sentence of life without parole. Rather, pursuant to then Article 27, § 412(b) of the Maryland Code, life without parole was a permissible sentence for first-degree murder provided that the State had provided appellant notice of its intent to seek such a sentence at least 30 days prior to trial and had complied with the sentence procedures set forth in § 413. The State further asserted that it had complied with those requirements, including filing the requisite notice approximately one year before trial. The court denied appellant's motion without a hearing. This appeal followed.

On appeal, appellant raises the same claim that he raised in the circuit court. In support, he relies on former Article 27, § 643B, a habitual offender statute under which the State could seek a mandatory minimum sentence of life imprisonment without the possibility of parole if a defendant was convicted of a fourth crime of violence and had served three prior terms of confinement in a correctional institution. However, the State

did not need to rely on that statute because, at the time of appellant’s sentencing, a sentence of life without parole was authorized for the offense of first-degree murder provided that the State gave appellant the appropriate notice of its intent to seek such a sentence. Appellant does not contest that such notice was provided. Consequently, his sentence of life imprisonment without parole was legal and the court did not err in denying his motion to correct illegal sentence.

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