

Circuit Court for Carroll County
Case No. 06-K-91-016826

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 876

September Term, 2024

ABRAS SANDY Q. MORRISON

v.

STATE OF MARYLAND

Shaw,
Ripken,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 28, 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.

Abras Sandy Q. Morrison, appellant, appeals from the denial, by the Circuit Court for Carroll County, of a motion to correct illegal sentence. For the reasons that follow, we shall affirm the judgment of the circuit court.

In August 1992, Mr. Morrison was convicted by a jury of first degree murder, kidnapping, robbery, conspiracy to commit murder, and related offenses. For the first degree murder, the court sentenced Mr. Morrison to a term of life imprisonment without the possibility of parole. For the remaining convictions, the court either sentenced Mr. Morrison to concurrent terms of imprisonment or merged the convictions.

In April 2024, Mr. Morrison filed the motion to correct illegal sentence, in which he contended that during the sentencing hearing, the prosecutor misinformed the court that through the accrual of “good time,” Mr. Morrison could “get his sentence . . . to be served” reduced “from 25 years to 17 years.” Mr. Morrison contended that the prosecutor “lied about the . . . penalty in order to influence the judge to impose the enhanced/increased penalty,” and hence, the sentence for first degree murder is illegal. Mr. Morrison also contended that prior to the sentencing hearing, the prosecutor had sought for Mr. Morrison’s co-defendant, Troy Shellington, a sentence of life imprisonment, but at the sentencing hearing, stated that had Mr. Shellington “gone to trial . . . , he would have been convicted of [only] accessory of murder after the fact” and “only receive[d] 5 years.” Mr. Morrison contended that the prosecutor improperly stated these “untrue facts” to “prevent [the court] from imposing a sentence less than [the prosecutor’s] desired sentence,” and that the prosecutor’s statements constituted “fraud, mistake, or irregularity” requiring revision of the sentence for first degree murder. *See* Rule 4-345(b) (“[t]he court has

revisory power over a sentence in case of fraud, mistake, or irregularity”). The court denied the motion.

Mr. Morrison contends that, for two reasons, the court erred in denying the motion. Mr. Morrison first contends that, for numerous reasons, the prosecutor’s misstatement regarding the effect of the accrual of “good time” renders the sentence of life imprisonment without the possibility of parole illegal. But, we have recognized that the scope of a motion to correct illegal sentence is “narrow” and “limited to those situations in which the illegality inheres in the sentence itself; *i.e.*, there either has been no conviction warranting any sentence for the particular offense or the sentence is not a permitted one for the conviction upon which it was imposed and . . . is intrinsically and substantively unlawful.” *Carlini v. State*, 215 Md. App. 415, 426 (2013) (internal citation and emphasis omitted). Here, Mr. Morrison does not dispute that he was convicted of first degree murder, or that the sentence of life imprisonment without the possibility of parole is a permitted one for that conviction. The error alleged by Mr. Morrison does not inhere in the sentence itself, and hence, the sentence is not illegal.

Mr. Morrison next contends that, for numerous reasons, the prosecutor’s “fraudulent and irregular” misstatement regarding Mr. Shellington’s particular conviction and sentence requires revision of the sentence of life imprisonment without the possibility of parole. We disagree. At sentencing, the prosecutor stated, in pertinent part: “[W]ere Mr. Shellington tried *and a jury to believe his statement*,” “the most that he could have been convicted of, *if a jury had believed him*, would have been accessory after the fact to murder, which, for some reason, Maryland has changed the common law and made the maximum penalty . . .

five years.” (Emphasis added.) The prosecutor did not make any statement indicating a belief that Mr. Shellington had not committed first degree murder or that the State initially sought for Mr. Shellington a sentence of less than life imprisonment. Also, in sentencing Mr. Morrison, the court did not make any statement indicating that it would have imposed a sentence of less than life imprisonment without the possibility of parole but for the prosecutor’s statement regarding Mr. Shellington. Hence, the court did not err in denying the motion to correct illegal sentence.

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