

Circuit Court for Garrett County  
Case Nos.: 11-K-97003164-3169

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1159

September Term, 2020

---

JERRY ADAM HELMS, JR.

v.

STATE OF MARYLAND

---

Wells, C.J.,  
Zic,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: May 31, 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.

On December 11, 1997, appellant Jerry Adam Helms, Jr. appeared with counsel in the Circuit Court for Garrett County and, pursuant to a written plea agreement with the State, pleaded guilty to multiple counts of first-degree burglary, felony theft, malicious destruction of property, and related offenses. He also entered an Alford plea to child abuse and assault charges. Upon the court’s acceptance of the pleas, the State agreed to nol pros remaining charges. There was no agreement as to sentencing. Before accepting the plea, the trial court ensured that Mr. Helms understood that he was facing a total term of 145 years’ incarceration.

After the court accepted the pleas, defense counsel requested a pre-sentencing investigation and asked the court “to consider a psychiatric evaluation as part of that Presentence Investigation.” The court agreed to “order a regular Presentence Investigation” and inquired about how to order a psychiatric evaluation, with defense counsel informing the court that he “believe[d] the psychiatric can be done as part of the PSI.”

At the March 6, 1998 sentencing hearing, defense counsel acknowledged that he had received the pre-sentence investigation report and had reviewed it with Mr. Helms, and they had no corrections or additions thereto. Defense counsel also submitted a “document” and “proffer[ed] that while this case has been going on, Mr. Helms has been examined psychiatrically.”<sup>1</sup> Counsel further related that, “[i]n addition, the Public Defender, at its own expense, has had him psychiatrically evaluated by Dr. Donner” and it was “Dr.

---

<sup>1</sup> It is not clear from the transcript whether the “document” was related to the psychiatric examination, and the document does not appear to be in the record before us.

Donner’s opinion that this is a person who certainly is a candidate for a placement at Patuxent, someone who needs psychiatric treatment.” Counsel also submitted a letter from a psychologist who had treated Mr. Helms for a number of years. The court sentenced Mr. Helms to a total term of 85 years’ imprisonment.

In 2018, Mr. Helms, representing himself, filed a Rule 4-345(a) motion to correct an illegal sentence in which he argued that his “sentence is illegal because no mental evaluation was done as part of sentencing.” He claimed that “[t]his was requested by defense counsel at the end of the plea and the Court agreed,” but “no evaluation was completed for the purpose of sentencing[.]” The State opposed the motion, noting that the sentencing transcript reflected that Mr. Helms had been examined by a psychiatrist prior to sentencing as defense counsel so informed the court. The State, moreover, asserted that Mr. Helms’ sentence was not illegal. Following a hearing, the court denied the motion.

On appeal, Mr. Helms maintains that his sentence is illegal because (1) “no medical evaluation was done as ordered by the court”; (2) the medical evaluation was necessary because of his “obvious psychological problems”; and (3) the court “abused its discretion by failing to ensure that the ordered report was properly included in the sentencing analysis[.]” The State responds that Mr. Helms’ sentence is not inherently illegal and, therefore, not subject to correction pursuant to Rule 4-345(a). In his Reply brief, Mr. Helms reasserts his position that “the psychiatric evaluation was not carried out as requested by defense counsel and granted by” the plea hearing judge and, therefore, his sentence is illegal.

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)).

Mr. Helms’ sentence is not inherently illegal. The terms of the plea agreement were stated on the record of the plea hearing and a pre-sentence medical or psychiatric examination was not one of them. The plea hearing transcript reflects that, after the court accepted the plea, defense counsel asked the court “to consider a psychiatric evaluation as part of [the] Presentence Investigation” and the court agreed to order an evaluation. The fact that the State did not object to defense counsel’s request did not, as Mr. Helms argues, render a pre-sentence psychiatric evaluation a term of the plea agreement between the State and Mr. Helms. Moreover, the sentencing transcript reflects that defense counsel informed the court that Mr. Helms was “examined psychiatrically” prior to sentencing and submitted to the court information related thereto.

In sum, we hold that the circuit court did not err in denying Mr. Helms’ Rule 4-345(a) motion because his sentence is not inherently illegal.

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