

Circuit Court for Baltimore City
Case No. 112038018

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1355

September Term, 2023

DOMINIC MATTHEWS

v.

STATE OF MARYLAND

Friedman,
Zic,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 7, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Dominic Matthews, appellant, appeals the denial, by the Circuit Court for Baltimore City, of his motion to correct illegal sentence. For the reasons that follow, we shall affirm.

In 2013, Dominic Matthews, appellant, pleaded guilty to attempted first-degree murder and use of a handgun in a crime of violence in the Circuit Court for Baltimore City. The court imposed a sentence of life imprisonment, with all but 22 years suspended, on the first-degree murder count and a concurrent sentence of five years' imprisonment on the handgun count. In 2023, appellant filed a motion to correct illegal sentence claiming that his sentence was illegal because: (1) his life sentence for attempted first-degree murder exceeded the terms of his plea agreement and, that (2) there was an insufficient factual basis for his guilty plea. The court denied appellant's motion following a hearing.

On appeal, appellant raises the same claims as he did in his motion for illegal sentence. He also asserts for the first time that his "plea was not knowingly or intelligently made" because he "did not understand and was misinformed by [his] defense attorney." The Supreme Court of Maryland has explained that there is no relief, pursuant to Maryland Rule 4-345(a), where "the sentences imposed were not inherently illegal, despite some form of error or alleged injustice." *Matthews v. State*, 424 Md. 503, 513 (2012). A sentence is "inherently illegal" for purposes of Rule 4-345(a) where there was no conviction warranting any sentence, *Chaney v. State*, 397 Md. 460, 466 (2007); where the sentence imposed was not a permitted one, *id.*; or where the sentence imposed exceeded the sentence agreed upon as part of a binding plea agreement. *Matthews*, 424 Md. at 514. A sentence may also be "inherently illegal" where the underlying conviction should have merged with the conviction for another offense for sentencing purposes, where merger was

required. *Pair v. State*, 202 Md. App. 617, 624 (2011). 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) (quotation marks and citation omitted).

With those principles in mind, we first conclude that appellant’s claims regarding the factual basis for his guilty plea and the voluntariness of his plea are not cognizable in a motion to correct illegal sentence because, even if true, they do not demonstrate that his sentence was inherently illegal. Rather, they are arguments that should have been raised on direct appeal or in a post-conviction proceeding.

Appellant’s remaining contention, that his life sentence for attempted first-degree murder violated the terms of his plea agreement, while cognizable in a motion to correct illegal sentence, lacks merit. We construe the terms of a plea agreement according to the reasonable understanding of the defendant when he pled guilty. *Cuffley v. State*, 416 Md. 568, 581 (2010). For purposes of identifying the sentencing term of a binding plea agreement, courts have considered “what was stated on the record at the time of the plea concerning that term of the agreement and what a reasonable lay person in Petitioner’s position would understand, based on what was stated, the agreed-upon sentence to be.” *Id.* at 584. “Whether a trial court has violated the terms of a plea agreement is a question of law, which we review de novo.” *Id.* at 581.

Appellant claims that the plea agreement in his case called for him to receive a sentence of between 20 and 23 years’ imprisonment for attempted first-degree murder, and therefore that his life sentence for that offense is illegal. We disagree. On the third day of

appellant’s trial, the court, the prosecutor, and defense counsel reached a proposed resolution in appellant’s case wherein he would receive a sentence in the range of “life, suspend 20 to life suspend all but 23” for attempted first-degree murder. Defense counsel subsequently informed the court that appellant had agreed to that disposition. The court then placed the plea agreement on the record stating that there would be a floor of “life, suspend all but 20 years, giving the Defendant credit for pretrial detention, [and] a ceiling of life, suspend all but 23 years, with five years’ supervised probation.” The court further indicated that there would be a “mandatory sentence as to [the] handgun crime of violence, which would be five years without the benefit of parole which would run concurrent.” The prosecutor, defense counsel, and appellant all affirmed that this was their understanding of the agreement. Moreover, when he was subsequently qualified for the plea, appellant confirmed that he had discussed the plea offer with counsel and understood the offer and range of sentences. Based on these facts, we are persuaded that a reasonable lay person in appellant’s position would have understood that he would receive a life sentence, with all but 20-23 years of that sentence suspended, on the attempted first-degree murder count. Consequently, the sentence that the court ultimately imposed, life, suspend all but 22 years, did not violate the plea agreement and was, therefore, legal.

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