

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1511

September Term, 2021

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RASHON LAMONT HARRIS

v.

STATE OF MARYLAND

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Leahy,  
Albright,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 5, 2023

\*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 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.

Rashon Lamont Harris, appellant, appeals from an order issued by the Circuit Court for Cecil County denying his motion to correct illegal sentence. Because his illegal sentence claim is moot, we shall affirm.

In 2017, a jury convicted appellant of first and second-degree child abuse, two counts of false imprisonment, child neglect, and other related offenses. The court sentenced appellant to a total term of 36 months' imprisonment on the false imprisonment counts; 10 years' imprisonment on the first-degree child abuse count, to run consecutive to the sentence on the false imprisonment counts; and 18 months' imprisonment on the neglect count, to run concurrently to the sentence for first-degree child abuse. This resulted in an aggregate sentence of thirteen years' imprisonment.

In 2021, appellant filed a motion to correct illegal sentence with respect to his sentence for first-degree child abuse, claiming that he had been “charged and convicted under an entirely inapplicable statute.” Specifically, he contended that he should not have been convicted for that offense because he had been acquitted of withholding proper nutrition from the minor child. The court denied the motion to correct illegal sentence without a hearing. This appeal followed.

After the appeal was docketed in this Court, appellant filed a series of motions for modification of sentence. The circuit court ultimately granted those motions, reducing appellant's sentence for first-degree child abuse to five years' imprisonment, and reducing his sentences for false imprisonment to a total of 12 months' imprisonment. Thus, appellant's modified aggregate sentence was six years' imprisonment. And because

appellant had already served the entirety of the sentence as modified, the court ordered him to be released from custody.

As a plurality of the Court of Appeals made clear in *Barnes v. State*, 423 Md. 75, 86 (2011):

As Rule 4-345(a) simply permits a court to revise an illegal sentence, rather than to modify or overturn the underlying conviction, it follows that a court can no longer provide relief under that rule once a defendant has completed his or her sentence. In that instance, there is no longer a sentence to correct, and a court should dismiss the motion as moot unless special circumstances demand its attention.

As previously set forth, the record indicates that appellant has served the entirety of his sentence and is not on probation or parole. Thus, his sentence is complete. Moreover, this case presents no “special circumstances” that would justify addressing a moot issue. Consequently, his appeal must be dismissed as moot.<sup>1</sup>

**APPEAL DISMISSED. COSTS TO  
BE PAID BY APPELLANT.**

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<sup>1</sup> In any event, appellant’s claim that he was charged and convicted under an inapplicable statute is, in essence, a challenge to the sufficiency of the evidence. And such a claim is not cognizable in a motion to correct illegal sentence. *See Bryant v. State*, 436 Md. 653, 665-66 (2014) (holding that, where appellant’s “complaint relate[d] to the sufficiency of the evidence” to prove that he had been convicted of predicate crimes, his appellate challenge to enhanced sentence was not cognizable under Rule 4-345(a)); *see also State v. Wilkins*, 393 Md. 269, 273 (2006) (observing that “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”). Therefore, the court did not err in denying his motion to correct illegal sentence.