

Circuit Court for Anne Arundel County
Case No. 02-K-10-001464

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1602

September Term, 2022

ANGEL G. ANTONIO-CHAVARRIA

v.

STATE OF MARYLAND

Graeff,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 28, 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 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.

In 2010, Angel G. Antonio-Chavarria, appellant, pleaded guilty to one count of first-degree rape in the Circuit Court for Anne Arundel County. The court imposed a sentence of life imprisonment, suspending all but 25 years, with 5 years on supervised probation upon release. In 2022, appellant filed a motion to correct illegal sentence, claiming that: (1) he was sentenced above the sentencing guidelines, in violation of his plea agreement, and (2) the sentencing judge did not provide any reasons for sentencing him above the guidelines. The court denied appellant’s motion without a hearing, finding that appellant’s sentence “while it may have been outside the guidelines, is not an illegal sentence.” This appeal followed. For the reasons that follow, we shall affirm.

As he did in the circuit court, appellant contends that his sentence was illegal because it exceeded the sentencing guidelines range of between 12 and 20 years, which he claims violated his plea agreement. He also claims that his sentence is illegal because the court failed to provide reasons for sentencing him above the guidelines range. Maryland Rule 4-345(a) permits a court to “correct an illegal sentence at any time.” To constitute an “illegal sentence” subject to correction at any time, the illegality must actually inhere in the sentence itself. *Carlini v. State*, 215 Md. App. 415, 426 (2013). An inherently illegal sentence is one in which there “has been no conviction warranting any sentence for the particular offense[,]” *Chaney v. State*, 397 Md. 460, 466 (2007), 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, 370 (2012).

As an initial matter, the circuit court did not exceed the legislatively imposed statutory maximum by sentencing appellant to life imprisonment. *See* Crim Law. Art. § 3-303(d) (providing that the maximum possible punishment for first-degree rape is life imprisonment). Moreover, the fact that appellant’s sentence was outside the guidelines range does not render it inherently illegal. *See Teasley v. State*, 298 Md. 364, 371 (1984) (noting that sentencing guidelines are recommendations which may be exceeded). Finally, contrary to appellant’s claim, there “is no requirement of law either that a sentencing judge follow the sentencing guidelines or that the sentencing judge give his reasons for not doing so.” *Lee v. State*, 69 Md. App. 302, 311 (1986). Thus, appellant’s life sentence would only be illegal if it violated the terms of his plea agreement.

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 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.

At the plea hearing, the State informed the court that it was an “open plea with both defense and State free to argue[,]” and that the “State will seek the maximum sentence in this case.” In response, defense counsel stated: “[t]hat is my understanding.” Although there was a subsequent discussion regarding the applicable sentencing guidelines, there

was no indication from either the parties or the court that the court would be bound by those guidelines. In fact, prior to accepting the plea, the sentencing judge specifically advised appellant that: (1) “the maximum penalty...would be up to life imprisonment[.]” and (2) that regardless of the sentencing guidelines that the court was “free to sentence [him] to whatever period the Court considers appropriate and that could be anywhere up to and including a life sentence[.]” Appellant acknowledged that he understood. And at no point during the hearing did he interject or attempt to stop the proceeding because his understanding of the plea terms differed from those recited by the State, defense counsel, or the court. Based on these facts, we are persuaded that a reasonable lay person in appellant’s position would have understood that he could be sentenced outside of the guidelines. Consequently, his life sentence for first-degree rape did not violate the terms of his plea agreement.

Finally, appellant asserts that the motions court “err[ed] by not giving a legal response to [his] motion to correct illegal sentence[.]” But Rule 4-345 does not require that the court set forth its reasons when denying a motion to correct illegal sentence. And in any event, because we review the legality of appellant’s sentence *de novo*, and the record reveals that appellant’s sentence was legal, any such error would be harmless.

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