

Circuit Court for Howard County
Case No. 13-K-08-048624

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2467

September Term, 2023

LAMONT ANTHONY JOHNSON

v.

STATE OF MARYLAND

Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 10, 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.

Lamont Johnson, appellant, appeals the denial, by the Circuit Court for Howard County, of his motion to correct an illegal sentence. For the reasons that follow, we shall affirm.

In 2008, appellant was convicted by a jury of first-degree felony murder and other related firearm offenses. The court sentenced him to life imprisonment without parole for felony murder and to a consecutive term of 30 years for the related offenses.

In 2023, appellant, representing himself, filed a Md. Rule 4-345(a) motion to correct an illegal sentence in which he asserted that his life sentence was inherently illegal because the indictment in his case did not specifically charge him with felony murder. The circuit court summarily denied relief, without a hearing. On appeal, appellant continues to press his claim that the indictment for murder was insufficient to charge him with felony murder.

Pursuant to a 2008 indictment, appellant was charged with one count of murder using the “short form” indictment, a “formula” first established by the legislature in 1906. *See Ross v. State*, 308 Md. 337, 342-343 (1987). Specifically, the indictment stated:

LAMONT ANTHONY JOHNSON, on or about May 17, 2008, in Howard County did feloniously, willfully and with deliberately premeditated malice aforethought kill and murder Jason Pridgen Batts in violation of CR 2-201 of the Annotated Code of Maryland, contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

In *Ross, supra*, the Supreme Court of Maryland noted that “a charge of murder,” using the short-form indictment for murder, “may be made out by proof of premeditated murder or proof of felony murder[.]” 308 Md. at 347. The Court further stated that, although “murder in the first degree may be proved in more than one way[,] [t]here is no requirement . . . that a charging document must inform the accused of the specific theory on which the State will

rely.” *Id.* at 344. Accordingly, the Court rejected a claim that the State’s use of the short form indictment for murder deprived the appellant of his constitutional right of fair notice and due process when the State successfully tried him for felony murder. *Id.* at 347.

Here, appellant’s indictment conformed in every relevant way with the statutory short form indictment as set forth in Section 2-208 of the Criminal Law Article. Thus, as *Ross* makes clear, there is no merit to appellant’s claim that he was wrongfully convicted of felony murder because he was not explicitly charged with that specific offense. Consequently, the circuit court did not err in denying appellant’s motion to correct an illegal sentence.

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