

Circuit Court for Baltimore City
Case Nos. 112241001-03

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 343

September Term, 2022

REGINALD BELLAMY

v.

STATE OF MARYLAND

Nazarian,
Ripken,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 27, 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.

Reginald Bellamy, appellant, challenges the denial, by the Circuit Court for Baltimore City, of a motion to correct illegal sentence. For the reasons that follow, we shall affirm the judgment of the circuit court.

In 2014, Mr. Bellamy was convicted by a jury of first-degree rape, first-degree sexual offense, attempted first-degree sexual offense, second-degree assault, and false imprisonment. *Bellamy v. State*, No. 2765, September Term, 2014 (filed January 12, 2016), 2016 WL 181622 at *1. The court subsequently sentenced Mr. Bellamy to a term of life imprisonment for the first-degree rape, concurrent terms of life imprisonment for the first-degree sexual offense and attempted first-degree sexual offense, and a consecutive term of twenty years' imprisonment for the false imprisonment. *Id.* On appeal, this Court vacated the sentence for false imprisonment, but otherwise affirmed the judgments. *Id.*

In 2021, Mr. Bellamy filed the motion to correct illegal sentence pursuant to Rule 4-345(a) (“[t]he court may correct an illegal sentence at any time”). In the motion, Mr. Bellamy contended that the sentencing court “erred [in] upholding . . . and merging” the conviction of second-degree assault, because “[t]here wasn’t unanimity of a verdict, finalization, polling[,] nor harkening of the offense.” Mr. Bellamy also contended that the court “erred [in] sentencing [him] to life imprisonment for attempted first-degree sexual offense,” because on the verdict sheet, the court instructed the jury that if they found Mr. Bellamy guilty of first-degree sexual offense, they were “not to return a verdict for” attempted first-degree sexual offense. (Quotations omitted.) The court denied the motion.

Mr. Bellamy now contends that, for numerous reasons, the court erred in denying the motion. We disagree. The Court of Appeals has stated that “[a]n illegal sentence, for

purposes of Rule 4-345(a), is one in which the illegality inheres in the sentence itself,” and a claim “that an alleged flaw in the procedure by which [a] guilty verdict was received and finalized renders the sentence illegal” is “not cognizable under Rule 4-345(a).” *Colvin v. State*, 450 Md. 718, 725-27 (2016) (internal citation, quotations, and emphasis omitted). Here, Mr. Bellamy alleges not illegalities inherent in the sentences themselves, but flaws in the procedure by which the guilty verdicts were received and finalized. Mr. Bellamy’s claims are not cognizable under Rule 4-345(a), and hence, the court did not err in denying the motion to correct illegal sentence.

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