

Circuit Court for Baltimore City
Case No. 510326043

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 475

September Term, 2018

CARLOS TEIXEIRA

v.

STATE OF MARYLAND

Nazarian,
Wells,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 7, 2019

*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.

Carlos Teixeira, appellant, appeals the denial of his motion to correct illegal sentence. Because Mr. Teixeira has not demonstrated that his sentences are illegal, we shall affirm.

In 2012, a jury found Mr. Teixeira guilty of armed carjacking, carjacking, conspiracy to commit armed carjacking, armed robbery, robbery, unauthorized removal of property, first-degree assault, and second-degree assault. The jury acquitted him of use of a handgun in the commission of a crime of violence and wearing, carrying and transporting a handgun. The trial court handed down consecutive sentences of twenty, ten, and ten years respectively for the armed carjacking, armed robbery and conspiracy. The remaining counts were merged.

On appeal, Mr. Teixeira raises the same claims that he raised in his motion to correct illegal sentence. First, he contends that his acquittal on the handgun charges rendered legally inconsistent his convictions for armed robbery and armed carjacking and therefore, that the sentences imposed for those convictions are illegal. However, he raised this claim on direct appeal and we held that his convictions were not legally inconsistent. *Teixeira v. State*, 213 Md. App. 664, 680 (2013). Therefore, it is barred by the law of the case doctrine. *See Nichols v. State*, 461 Md. 572, 593 (2018) (“The law of the case doctrine bars a trial court from considering an issue as to a sentence’s legality that an appellate court has resolved.”).

Mr. Teixeira also asserts that the trial court erred in instructing the jury and that there was insufficient evidence to sustain his armed robbery and robbery convictions. But those claims are not cognizable in a motion to correct illegal sentence. *See Bryant v. State*,

436 Md. 653, 662-63 (2014) (noting that the concept of an illegal sentence is limited to “those situations in which the illegality of the sentence inheres in the sentence itself; *i.e.*, there either has been no conviction warranting any sentence for the particular offense or the sentence is not a permitted one for the conviction upon which it is imposed.” (internal quotation marks and citation omitted)).

Finally, we note that, in his questions presented, Mr. Teixeira claims that neither “the transcript of [his] sentencing nor his commitment record indicate how much time [he] spent in custody in connection with the case, or whether he received credit for time served.” However, he does not address that claim in the argument section of his brief. Moreover, he does not set forth any specific reasons why he is entitled to additional credit or indicate what amount of credit that he believes he should have been awarded. Because this claim is not presented with particularity, it is not properly before this Court. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (citation omitted)).¹ Consequently, the circuit court did not err in denying his motion to correct illegal sentence.

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

¹ In any event, the record indicates that Mr. Teixeira was charged and arrested on October 4, 2010 and that the court ordered his sentences to start on that date. Thus, there is no indication that he is entitled to additional credit other than that which has already been awarded.