

Circuit Court for Prince George's County
Case No: CT97-1008C

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 689

September Term, 2018

ERIC DEMETRICE CARROLL

v.

STATE OF MARYLAND

Fader, C.J.,
Meredith,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 29, 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.

In 1997, a jury sitting in the Circuit Court for Prince George’s County convicted Eric Demetrice Carroll of two counts of first-degree murder, second-degree murder, use of a handgun in the commission of a crime of violence, and related offenses. This Court affirmed the judgments. *Carroll v. State*, No. 696, September Term, 1998 (filed April 20, 1999). Twenty years later, Mr. Carroll filed a motion to correct an illegal sentence in which he alleged that there were errors in the taking of the verdict. He complained that, although the transcript reflects that the jury was polled, the transcript does not state the individual responses of the jurors.¹ He also alleged that the harkening of the jury was defective because it was merely “a collective acknowledgement of the foreperson’s finding of guilty.” The circuit court denied relief. We shall dismiss the appeal because Mr. Carroll is raising alleged procedural errors in the rendering of the verdict, issues which do not fall within the narrow scope of a Rule 4-345(a) motion to correct an illegal sentence. *See Colvin v. State*, 450 Md. 718 (2016).²

Mr. Carroll also alleges that his trial counsel, appellate counsel, and post-conviction counsel were ineffective for failing to assert that the jury was not properly polled and the verdict not properly harkened. A Rule 4-345(a) motion, however, “is not the appropriate

¹ The transcript records that the court instructed the clerk to poll the jury. The transcript then states: “(The jury was polled, answering in the affirmative.)” In short, although the transcriber noted that the polling was done, with the jurors “answering in the affirmative,” the transcriber did not transcribe the polling.

² Even if his claim were cognizable in a Rule 4-345(a) motion, we would affirm as the trial transcript does not support Mr. Carroll’s contention that the verdict was improperly rendered.

mechanism through which to claim ineffective assistance of counsel.” *Brightwell v. State*, 223 Md. App. 481, 488 n. 3, *cert. denied*, 445 Md. 5 (2015).

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