

Circuit Court for Baltimore City  
Case Nos. 112241001

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1003

September Term, 2024

---

REGINALD BELLAMY

v.

STATE OF MARYLAND

---

Berger,  
Tang,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: May 28, 2025

\*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Reginald Bellamy, appellant, challenges the denial, by the Circuit Court for Baltimore City, of a “Motion to Set Aside an Unjust and Improper Verdict Based Upon Fraud, Mistake or Irregularity” (hereinafter “motion to set aside”). 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 and related offenses. In 2024, Mr. Bellamy filed the motion to set aside pursuant to former Rule 4-331(b)(1)(B)<sup>1</sup> (where more than ninety days have passed after imposition of sentence, “the court has revisory power and control over the judgment in case of fraud, mistake, or irregularity”). In the motion, Mr. Bellamy contended that the trial court “[e]rr[ed] by committing a[n] irregularity within the meaning of Rule 4-331(b)(1)(B) by accepting a form of the verdict i[.].e. legally inconsistent verdict that is outlawed by Maryland case law constituting an abuse of discretion.” Mr. Bellamy also requested a hearing on the motion. The court denied the motion without a hearing.

Mr. Bellamy now contends that, for numerous reasons, the court erred in failing to hold a hearing on the motion and in denying the motion. We disagree. We have stated that “[i]rregularities warranting the exercise of revisory powers most often involve a judgment that resulted from a failure of process or procedure by the clerk of a court,” and if an “appellant could have challenged [a] court’s [action] on direct review or, if he contended that his trial counsel was ineffective by failing to object at trial, in a post-conviction hearing,” there is “no ‘irregularity,’ as the term is used in Rule 4-331(b)[.]” *Minger v.*

---

<sup>1</sup>Former Rule 4-331(b)(1)(B) has since been recodified as Rule 4-331(b)(2).

*State*, 157 Md. App. 157, 173-75 (2004) (internal citation omitted). Here, Mr. Bellamy could have challenged the allegedly inconsistent verdict on direct review or trial counsel's failure to object to the verdict in a post-conviction proceeding, and hence, the court's action does not constitute an irregularity as the term is used in Rule 4-331(b). Also, we stated in *Minger* that "a prerequisite to a successful 4-331(b) motion filed outside the ninety-day limit" is that the movant "allege or . . . demonstrate that he acted with ordinary diligence." 157 Md. App. at 175. Here, Mr. Bellamy filed his motion nearly ten years after trial. Mr. Bellamy does not cite any authority that finds such diligence ordinary, and hence, the court did not err in denying the motion to set aside without a hearing.

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