

Circuit Court for Baltimore County
Case No. 03-K-14-006299

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2096

September Term, 2024

ROBERT CLIFFORD WEDDINGTON

v.

STATE OF MARYLAND

Graeff,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 9, 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.

Robert Clifford Weddington, appellant, appeals from the denial, by the Circuit Court for Baltimore County, of a motion to correct illegal sentence. For the reasons that follow, we shall affirm the judgment of the circuit court.

In November 2014, Mr. Weddington was charged by indictment in circuit court case number 03-K-14-006299 (hereinafter “14-6299”) with sexual abuse of minor A., four counts of second degree rape, and second degree assault. Mr. Weddington was also charged by indictment in circuit court case number 03-K-14-006300 (hereinafter “14-6300”) with sexual abuse of minor B. and related offenses. On February 3, 2016, Mr. Weddington was convicted in case number 14-6300 of sexual abuse of a minor and second degree child abuse. On February 5, 2016, Mr. Weddington was convicted in case number 14-6299 of sexual abuse of a minor and three counts of second degree rape.

On May 23, 2016, Mr. Weddington appeared for sentencing in both cases. In case number 14-6300, the court imposed a term of imprisonment of 25 years for sexual abuse of a minor, and a consecutive term of imprisonment of fifteen years for second degree child abuse. In case number 14-6299, the court imposed a term of imprisonment of 25 years for sexual abuse of a minor, to be served consecutively to the total term of imprisonment in case number 14-6300. For one of the counts of second degree rape, the court imposed a term of imprisonment of twenty years, to be served consecutively to the sentence for sexual abuse of a minor. For the second and third counts of second degree rape, the court imposed consecutive terms of imprisonment of twenty years and suspended the sentences.

On appeal, we vacated the judgments and remanded for new trials. *Weddington v. State*, No. 122, Sept. Term 2016 (filed July 17, 2017). The Supreme Court of Maryland subsequently affirmed our judgment. *State v. Weddington*, 457 Md. 589 (2018).

On August 28, 2019, Mr. Weddington was again convicted in case number 14-6299 of sexual abuse of a minor and three counts of second degree rape. The court imposed a term of imprisonment of twenty years for the sexual abuse of a minor and a consecutive term of imprisonment of fifteen years for each of the counts of second degree rape, for a total term of imprisonment of 65 years. On August 29, 2019, the State entered a nolle prosequi as to the charges in case number 14-6300.

“In 2023, [Mr. Weddington] filed a motion to correct illegal sentence, claiming that his convictions for rape should have merged into his conviction for sexual abuse of a minor for sentencing purposes under the required evidence test.” *Weddington v. State*, No. 124, Sept. Term 2023 (filed November 6, 2023), slip op. at 1. “The circuit court denied the motion without a hearing.” *Id.* On appeal, we concluded that “merger was not required,” and hence, the court did not err in denying the motion. *Id.* at 2.

In November 2024, Mr. Weddington filed another motion to correct an illegal sentence, in which he presented five contentions:

- The court erred in imposing, following Mr. Weddington’s 2019 trial, “a sentence more severe than” that which the court imposed following Mr. Weddington’s 2016 trial.
- Although Mr. Weddington was not charged with a continuing course of conduct against a child in violation of Md. Code (2002, 2012 Repl. Vol., 2014 Supp.), § 3-315 of the Criminal Law Article, the court imposed a term of imprisonment for that offense.

- The “sentence for second degree rape should have merged.”
- The State’s request for a total term of imprisonment of 85 years constituted “an illegal enhancement.”
- Merger of the offenses is “compelled by the rule of lenity.”

The court denied the motion.

Mr. Weddington contends that, for five reasons, the court erred in denying the motion. Mr. Weddington first contends that the total term of imprisonment is illegal because a “court [may] not impose a sentence more severe” than a sentence “previously imposed.” But, we have recognized that the scope of a motion to correct illegal sentence is “narrow” and “limited to those situations in which the illegality 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 was imposed and . . . is intrinsically and substantively unlawful.” *Carlini v. State*, 215 Md. App. 415, 426 (2013) (internal citation and emphasis omitted). Here, Mr. Weddington does not dispute that he was convicted of the offenses listed above, or that the sentence for each conviction is a permitted one for that conviction. The error alleged by Mr. Weddington does not inhere in the sentences themselves, and hence, we shall not reach the contention.

Mr. Weddington next contends that the “second degree rapes should have merged.” But, we have previously concluded that merger of the offenses “was not required.” *Weddington v. State*, No. 124, Sept. Term 2023, at 2. Mr. Weddington’s contention is barred by the law of the case, and hence, we shall not reach the contention.

Mr. Weddington next contends that the sentencing court erred in imposing a term of imprisonment for “Count 3” of second degree rape, because in the indictment, Count 3 charged Mr. Weddington with second degree assault. We first note that Mr. Weddington did not present this contention in the motion to correct illegal sentence. Nevertheless, the record clearly reflects that the State entered a nolle prosequi as to Count 3. Also, the commitment record issued by the court following sentencing reflects the correct count numbers. It is clear that at sentencing, the court misspoke, and the sentences as reflected in the commitment record are correct.

Mr. Weddington next contends that the “State committed misconduct and [a] *Brady* [violation] during and before sentencing.” But, like Mr. Weddington’s first contention, the error alleged by Mr. Weddington does not inhere in the sentences themselves. Hence, we shall not reach the contention.

Finally, Mr. Weddington contends that merger of the sentences is “compelled by the rule of lenity.” But, like Mr. Weddington’s second contention, this contention is barred by the law of the case, and hence, the court did not err in denying the motion to correct illegal sentence.

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