

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

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 124

September Term, 2023

ROBERT CLIFFORD WEDDINGTON

v.

STATE OF MARYLAND

Wells, C.J.,
Zic,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 6, 2023

*This is a per curiam opinion. Consistent with 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 the denial, by the Circuit Court for Baltimore County, of his motion to correct illegal sentence. For the reasons that follow, we shall affirm.

Following a 2019 bench trial, appellant was convicted of sexual abuse of a minor and three counts of second-degree rape. The court sentenced appellant to 20 years' imprisonment on the sexual abuse of a minor count, and 15 years' imprisonment on each of the rape counts. Those sentences were ordered to run consecutively, for a total aggregate sentence of 65 years' imprisonment. In 2023, appellant 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. The circuit court denied the motion without a hearing. This appeal followed.

On appeal, appellant contends that the circuit court erred in denying his motion to correct illegal sentence. However, the “required evidence test” announced by the Supreme Court in *Blockburger v. United States*, 284 U.S. 299, 304 (1932), on which appellant relies, does not apply when the legislature expressly authorizes cumulative punishments. *Grandison v. State*, 234 Md. App. 564, 575 (2017). Here, appellant was indicted and convicted pursuant to Section 3–602 of the Criminal Law Article of the Maryland Code, which states that “[a] sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for. . . any crime based on the act establishing the violation of this section[.]” Crim. Law § 3–602(d). In *Twigg v. State*, 447 Md. 1, 11 n.6 (2016), the Maryland Supreme Court noted that this provision was added to the statute in 1990 “to permit separate sentences for child abuse and any underlying crime[s] that

establish the gravamen of the child abuse conviction.” Consequently, merger was not required under *Blockburger*, and the circuit court did not err in denying appellant’s motion to correct illegal sentence.

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