

Circuit Court for Queen Anne's County
Case No. 17-K-01-005129

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1916

September Term, 2023

DAVON DARNELL WIGGINS

v.

STATE OF MARYLAND

Beachley,
Albright,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 8, 2024

*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.

Following a 2001 jury trial in the Circuit Court for Queen Anne’s County, Davon Darnell Wiggins, appellant, was convicted of two counts of first-degree rape, one count of first-degree sexual offense; two counts of attempted armed robbery, one count of armed robbery, one count of first-degree burglary, three counts of kidnapping, and one count of use of a handgun in the commission of a crime of violence. At the sentencing hearing, the court imposed a life sentence on each of the first-degree rape counts, a life sentence on the first-degree sexual offense count, a sentence of 8 years’ imprisonment on each of the attempted armed robbery counts and on the handgun count, a sentence of 2 years’ imprisonment on the burglary count, a sentence of 20 years’ imprisonment on the armed robbery count, and a sentence of 30 years’ imprisonment on each of the kidnapping counts. These sentences were ordered to run consecutive, with the exception of the sentence for burglary, which was ordered to run concurrent to the sentence imposed on one of the attempted armed robbery counts.

In 2023, appellant filed a motion to amend the commitment record. The motion did not specifically identify any error in the commitment record. Rather, it cited Maryland Rule 4-351 and summarily asserted that it “was not adhered to during his sentencing procedure.” The court denied the motion without a hearing. This appeal followed.

In his brief, appellant does not indicate why the court erred in denying the motion other than stating that the court did not “address[] or correct[] the error” in the commitment record. Consequently, we need not consider that issue on appeal. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (“[A]rguments not presented in a brief or not presented with particularity will not be considered on appeal.” (quotation marks omitted))

(quoting *Klauenberg v. State*, 355 Md. 528, 552 (1999))). But in any event, we would find no error because: (1) the sentence pronounced by the court is the same sentence set forth in the commitment record, and (2) appellant’s motion did not indicate why the commitment record was otherwise incorrect.

Finally, appellant appears to contend that the court erred in denying the motion without holding a hearing. But a motion to correct a commitment record “does not require a hearing in open court.” *Scott v. State*, 379 Md. 170, 191 (2004). Consequently, we shall affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT
COURT FOR QUEEN ANNE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**