

Circuit Court for Anne Arundel County
Case No.: C-02-CR-22-001623

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 310

September Term, 2024

SHAUNESI Y. DEBERRY

v.

STATE OF MARYLAND

Nazarian,
Reed,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 4, 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.

A jury in the Circuit Court for Anne Arundel County convicted Shaunesi Y. DeBerry, appellant, of second-degree assault. The court later sentenced her to three years’ incarceration, all but time served suspended, followed by three years’ probation. This Court then affirmed the conviction and sentence on direct appeal. *DeBerry v. State*, Nos. 114, 774, & 1526, Sept. Term, 2023 (filed April 4, 2024) (*per curiam*).

DeBerry has since filed dozens of motions in this criminal case, which have been followed by dozens of noted appeals to this Court. This appeal covers five¹ notices of appeal filed between April 10 and June 4, 2024, from the following orders:

- The denial of a motion to direct the Division of Parole and Probation to accommodate DeBerry under the Americans with Disabilities Act;
- The denial of a motion to serve DeBerry’s Probation Agent with a summons issued by the Circuit Court for Baltimore County in DeBerry’s civil case against the Department of Public Safety and Corrections;
- The granting of a motion to strike the appearance of DeBerry’s attorney;
- The denial of a motion to set aside a bench warrant; and
- The denial of a motion to dismiss DeBerry’s violation of probation.

None of these orders are appealable. For starters, DeBerry consented to her attorney’s withdrawal from the case; she signed the motion. “Ordinarily, no appeal will lie from a consent [order].” *Long v. State*, 371 Md. 72, 86 (2002). Likewise, an order denying a motion to quash an arrest warrant is not appealable. *Nnoli v. Nnoli*, 389 Md. 315, 324 (2005). Similarly, an order denying a motion to dismiss a violation of probation is neither

¹ There are seven notices docketed in this appeal, however, two of them—filed May 12 and June 4—are duplicates of notices filed the same days. DeBerry acknowledges in her brief that she intended to appeal from the five orders listed above.

a final judgment nor an immediately appealable interlocutory order.² *See* Md. Code Ann., Cts. & Jud. Proc. §§ 12-302 & 303.

As for the remaining orders, DeBerry cites to no authority authorizing the motions she filed in the circuit court. And we are aware of none. What’s more, on appeal, DeBerry presents no coherent argument about the denial of these motions. That alone is reason enough to affirm the circuit court’s judgment. *See Van Meter v. State*, 30 Md. App. 406, 408 (1976) (“Surely it is not incumbent upon this Court, merely because a point is mentioned as being objectionable at some point in a party’s brief, to scan the entire record and ascertain if there be any ground, or grounds, to sustain the objectionable feature suggested.” (cleaned up)); *see also* Md. Rule 8-504(a)(6).

Further, in our view, DeBerry is not entitled to pursue a direct appeal from a proceeding unauthorized by law. “In Maryland, criminal defendants do not have a constitutional right to appeal. Instead, the right to seek appellate review is statutory; the Legislature can provide for, or preclude it.” *Douglas v. State*, 423 Md. 156, 170 (2011) (cleaned up). Section 12-301 of the Courts & Judicial Proceedings Article provides that, with exceptions not here relevant, “a party may appeal from a final judgment entered in a civil or criminal case by a circuit court.” “A final judgment is one that either determines and concludes the rights of the parties involved or denies a party the means to prosecute or

² We may review the denial of a motion to dismiss only after the circuit court has revoked a party’s probation, which, on review of the record, has not yet happened here. Even then, a direct appeal is not permitted; review may be sought only by application for leave to appeal. Md. Code Ann., Cts. & Jud. Proc. § 12-302(g).

defend [their] rights and interests in the subject matter of the proceeding.” *Douglas*, 423 Md. at 171 (cleaned up).³

Other than the three discussed above, the motions DeBerry filed in this case are not recognized by law in a criminal case. Their denial, therefore, does not constitute a final judgment, and so, is not appealable. If the denial of these motions was appealable, then litigants who invent their own method of litigation unauthorized by law could create for themselves greater appellate rights than litigants who follow extant law and procedure. That cannot be so. Thus, under Maryland Rule 8-602(b)(1), we dismiss this appeal.

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.

³ There are three exceptions to the final judgment rule: “(1) appeals from interlocutory orders specifically allowed by statute; (2) immediate appeals permitted when a circuit court enters final judgment under Maryland Rule 2-602(b); and (3) appeals from interlocutory rulings allowed under the common law collateral order doctrine.” *In re O.P.*, 470 Md. 225, 250 (2020) (footnote omitted). The denial of DeBerry’s motions does not meet the requirements of any of these exceptions.