

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

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 751

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 four notices of appeal filed between June 13 and July 27, 2024, from the following orders:

- The denial of a “motion to access directive”;
- The denial of a motion for reconsideration of DeBerry’s motion to dismiss her violation of probation;
- The denial of a motion for reconsideration of DeBerry’s application for panel review of sentencing; and
- The denial of a request to remove the victim from the no-contact order imposed as part of DeBerry’s probation.

On appeal, DeBerry presents no argument on the first two orders. Instead, she invites the Court “to do [its] own due diligence in this matter[.]” But it is a party’s responsibility to present, in their principal brief, “[a]rgument in support of [their] position on each issue.” Md. Rule 8-504(a)(6). “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.” *Van Meter v. State*, 30 Md. App. 406, 408 (1976) (cleaned up). “We cannot be expected to delve through the record to unearth factual support

favorable to [DeBerry] and then seek out law to sustain [her] position.” *Id.* Thus, we decline to consider the first two orders.

We also decline to consider the denial of the request to remove the victim, DeBerry’s daughter, from the no-contact order that was imposed as part of DeBerry’s probation. In her brief, DeBerry claims she was the “movant” that made this request. Not true. The record shows that the victim filed the motion, not DeBerry. And no law or rule authorizes DeBerry to appeal from the denial of the victim’s motion.¹ *See Douglas v. State*, 423 Md. 156, 170 (2011). We therefore will not consider this order either.

In contrast to the other orders, the denial of DeBerry’s application for panel review of sentencing was a final order and, therefore, appealable. *Collins v. State*, 321 Md. 103, 106–07 (1990). The circuit court denied DeBerry’s application as untimely. Under Maryland Rule 4-344(a), “[a]ny application for review of a sentence under the Review of Criminal Sentences Act . . . shall be filed in the sentencing court within 30 days after the imposition of sentence or at a later time permitted by the Act.”

Here, DeBerry was sentenced on March 16, 2023. Her suspended sentence was not reimposed at any point, *see Collins*, 321 Md. at 110, and “[t]here is nothing in the Act

¹ Even if DeBerry had filed the motion, we still would not consider it. The motion would, in essence, be a Maryland Rule 4-346(b) motion to modify conditions of probation. When “petitions may be filed repeatedly and the denial of a single petition does not preclude [a petitioner] from filing another[,]” the decision is not final for appeal purposes. *Fuller v. State*, 397 Md. 372, 394 (2007). Rule 4-346(b) does not limit a probationer’s right to seek modification to a single request, and so the denial of a Rule 4-346(b) motion is not an appealable judgment. *Cf. Hoile v. State*, 404 Md. 591, 617–18 (2008) (explaining that the denial of a motion to modify a sentence that does not allege an error of law, but rather is addressed to the discretion of the court is not subject to appeal).

providing for any later time, [] so 30 days [was] the required period” under Rule 4-344(a), *Green v. State*, 96 Md. App. 601, 605 (1993). DeBerry thus had until April 17 to apply for review of her sentence.² She did not do so until May 31, 2024—more than a year late. Her application was therefore untimely, and the circuit court did not err in denying it.

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

² Thirty days from March 16, 2023, was April 15—a Saturday. The deadline would therefore have moved to the following Monday: April 17. *See* Md. Rule 1-203(a)(1).