

Circuit Court for Baltimore County
Case No. C-03-CR-22-002239

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 763

September Term, 2023

MUHAMMAD IBN HAMEEN

v.

STATE OF MARYLAND

Friedman,
Zic,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),
JJ.

PER CURIAM

Filed: March 6, 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.

In May 2022, Muhammad Ibn Hameen, appellant, was arrested and charged in a 19-count indictment with armed robbery, robbery, first-degree assault, second-degree assault, and other related offenses. He is currently awaiting trial on those charges in the Circuit Court for Baltimore County.

Since his arrest, appellant has filed numerous *pro se* motions, all of which have been denied. On June 14, 2023, appellant noted the instant appeal. It is somewhat unclear what orders appellant is attempting to appeal. At one point in his informal brief appellant indicates he is appealing from an October 17, 2022, order, wherein the court granted a motion to postpone his trial date; an April 3, 2023, order, wherein the court again postponed his trial date; and a June 12, 2023, order, wherein the court allowed him to discharge counsel. Later in his brief, he asserts that the court violated his right to a speedy trial by postponing his case without good cause, which is presumably based on the court’s October 17 and April 3 orders postponing his trial. But he also contends that the court “violated the 14th Amendment” by withholding evidence, and that he has been wrongfully charged as a principal in the alleged armed robbery. Yet he does not identify any court orders that resolved those issues against him. In any event, the State has filed a motion to dismiss the appeal as having been taken from a non-appealable, interlocutory order. For the reasons that follow, we shall grant the motion to dismiss.

As an initial matter, Maryland Rule 8-202(a) provides that a party must file his or her notice of appeal “within 30 days after entry of the judgment or order from which the appeal is taken.” Although not jurisdictional, this requirement is a “binding rule on

appellants” unless “waiver or forfeiture applies to a belated challenge to an untimely appeal[,]” which it does not in this case. *Rosales v. State*, 463 Md. 552, 568 (2019).

As the State correctly points out, there were only three orders entered by the circuit court within 30 days of the date that appellant filed his notice of appeal: a May 25, 2023, order deferring ruling on his motion for substance abuse evaluation pursuant to Section 8-505 of the Health General Article; a June 7, 2023, order denying his motion to compel discovery; and the June 12, 2023, order granting his motion to discharge counsel. Consequently, these are the only orders that have been timely appealed.

But even though the appeal is timely as to those orders, we lack jurisdiction to review them in this appeal.¹ That is because this Court only has jurisdiction over an appeal when it is taken from a final judgment or is otherwise permitted by law. *See Addison v. Lochearn Nursing Home, LLC*, 411 Md. 251, 273-74 (2009). A final judgment is a judgment that “disposes of all claims against all parties and concludes the case.” *Matter of Donald Edwin Williams Revocable Tr.*, 234 Md. App. 472, 490 (2017) (quotation marks and citation omitted). “An order will constitute a final judgment if the following conditions are satisfied: (1) it must be intended by the court as an unqualified, final disposition of the matter in controversy; (2) it must adjudicate or complete the adjudication of all claims against all parties; and (3) the clerk must make a proper record of it on the docket.” *Waterkeeper All., Inc. v. Maryland Dep’t of Agric.*, 439 Md. 262, 278

¹ We note that even if appellant had timely appealed the other orders that he identifies in his brief, those orders are also not final judgments or appealable interlocutory orders.

(2014) (internal quotation marks and citation omitted). There are only three exceptions to the final judgment requirement: appeals from interlocutory orders specifically allowed by statute; immediate appeals permitted under Maryland Rule 2-602(b); and appeals from interlocutory rulings permitted under the common law collateral order doctrine. *Johnson v. Johnson*, 423 Md. 602, 607 (2011).

Here, no final judgment has been entered as appellant’s trial has not yet taken place. Moreover, no exception to the final judgment rule applies with respect to any of the orders which appellant timely appealed. Consequently, we must dismiss the appeal as premature. This dismissal is without prejudice to the right of appellant to raise his claims following an appeal from a final judgment in the event that he is convicted.

**APPEAL DISMISSED. COSTS TO
BE PAID BY APPELLANT.**