

Circuit Court for Charles County
Case No. 08-K-16-000235

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 780

September Term, 2024

DONALD MCCOY STANCELL, JR.

v.

STATE OF MARYLAND

Beachley,
Albright,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 7, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Donald McCoy Stancell, Jr., appellant, appeals from the taking of “no action,” by the Circuit Court for Charles County, of a petition for evaluation and treatment for substance abuse pursuant to Md. Code (1982, 2023 Repl. Vol.), §§ 8-505 and 8-507 of the Health-General Article. The State moves to dismiss the appeal on the grounds that “the ruling is not yet final,” and “even if it was, it is not appealable.” We agree with the State. The Supreme Court of Maryland has held “that the denial of a petition for commitment for substance abuse treatment pursuant to Section 8-507 of the Health-General Article is not an appealable order.”¹ *Fuller v. State*, 397 Md. 372, 380 (2007). Here, the court did not deny the petition, and even if the court’s inaction constituted a denial, the judgment would not be appealable. Accordingly, we grant the State’s motion, and dismiss the appeal.

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

¹This Court has recognized one exception to this holding, specifically where a court erroneously determines that amendments to § 8-507 of the Health-General Article, enacted subsequent to a defendant’s imprisonment, preclude the court “from committing [the defendant] pursuant to [the statute] until he attain[s] parole eligibility.” *Hill v. State*, 247 Md. App. 377, 389 (2020). In the instant matter, the circuit court did not make any such ruling.