

Circuit Court for Baltimore County
Case No.: C-03-CV-22-003680

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1352

September Term, 2023

IN THE MATTER OF
MICHAEL AMICK

Leahy,
Kehoe, S.,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 9, 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.

On September 14, 2006, Michael Amick, appellant, reported that his wife, Roxanne Amick,¹ was missing. The next day, her body was found in a heavily wooded area near the couple’s home in Baltimore County, Maryland. The Office of the Chief Medical Examiner,² appellee, conducted an autopsy the next day and issued a report in May 2007. The report found that Roxanne had died of “multiple injuries” and listed her manner of death as “homicide.”

Although no charges were initially filed against Amick, after retesting evidence from the scene, the police ultimately charged him in October 2016. After a five-day trial in April 2018, a jury in the Circuit Court for Baltimore County convicted Amick of second-degree murder. The court later sentenced him to 30 years’ imprisonment. We affirmed Amick’s conviction on direct appeal. *Amick v. State*, No. 2016, Sept. Term, 2018 (filed June 25, 2019), *cert. denied*, 466 Md. 217 (2019). His attempts to obtain postconviction relief have been unsuccessful. *Amick v. State*, No. 1352, Sept. Term, 2021 (filed June 28, 2022) (*per curiam*), *cert. denied*, 482 Md. 17 (2022) (affirming the denial of a motion for new trial based on newly discovered evidence); *Amick v. State*, No. 35, Sept. Term, 2023 (filed Dec. 5, 2023), *cert. denied*, 486 Md. 610 (2024) (dismissing as untimely an appeal from the denial of a petition for writ of actual innocence).

¹ Because the victim and appellant share a last name, we will refer to the victim by her first name. We mean no disrespect in doing so.

² Amick’s mandamus petition named the Post Mortem Examiners Commission as the respondent because, under a previous statutory scheme, the Commission was responsible for appointing the Chief Medical Examiner.

In September 2022, Amick petitioned the circuit court for a writ of administrative mandamus ordering both the cause and manner of death listed in the 2007 autopsy report be changed to “undetermined.” The Chief Medical Examiner moved to dismiss. The court granted the motion and dismissed Amick’s petition as untimely. This appeal followed.

We review the granting of a motion to dismiss for legal correctness. *Harris v. McKenzie*, 241 Md. App. 672, 678 (2019). Under Maryland Rule 7-402, “[a]n action for a writ of administrative mandamus is commenced by the filing of a petition, the . . . timing of which shall comply with Rule[] . . . 7-203.” Rule 7-203(a), in turn, requires the petition be filed within 30 days after the latest of:

- (1) the date of the order or action of which review is sought;
- (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or
- (3) the date the petitioner received notice of the agency’s order or action, if notice was required by law to be received by the petitioner.

The Chief Medical Examiner was not required by law to send Amick notice of the autopsy results. *See generally* Md. Code Ann., Health-Gen. § 5-309. The report here was issued on May 3, 2007. Accordingly, Amick had until June 4, 2007,³ to petition for administrative mandamus. *See* Md. Rules 7-203(a)(1) & 402(a). He did not do so until

³ Thirty days from May 3, 2007, was June 2—a Saturday. The deadline would therefore have moved to the following Monday: June 4. *See* Md. Rule 1-203(a)(1).

September 15, 2022—more than 15 years too late. The circuit court, therefore, did not err in dismissing the petition.

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