

Circuit Court for Baltimore City  
Case Nos.: 103041071, 103041073  
103041075, & 103041076

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 1503

September Term, 2020

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JERMAINE BLACKWELL

v.

STATE OF MARYLAND

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Reed,  
Ripken,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 30, 2023

\*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

\*\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In 2003, a jury in the Circuit Court for Baltimore City convicted Jermaine Blackwell, appellant, of felony murder and related crimes. Ten years later, this Court denied postconviction relief. *Jermaine Blackwell v. State of Maryland*, ALA No. 1802, Sept. Term, 2013 (Md. App. Ct. Apr. 24, 2014 (per curiam)). Then, in 2019, Blackwell filed a motion to reopen postconviction proceedings, which the circuit court denied on May 29, 2020. On September 2, Blackwell applied for leave to appeal that denial. The circuit court denied his ALA as “untimely.” After the circuit court denied his motion for reconsideration of the order striking his ALA, Blackwell noted this appeal for the “limited [purpose of] address[ing] the denial of [his] Application for Leave to Appeal as being submitted as untimely[.]” The State agrees that the circuit court erred in striking Blackwell’s ALA. So do we. And for the following reasons, we shall reverse, reinstate Blackwell’s ALA, and order that it be transmitted to this Court to be docketed on the ALA docket and considered in the ordinary course.

The circuit court denied Blackwell’s motion to reopen on May 29, 2020. At that time, because of the COVID-19 emergency, the deadline to appeal was tolled. *See* Final Administrative Order on the Emergency Tolling or Suspension of Statutes of Limitations and Statutory and Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters During the COVID-19 Emergency, at 2–3, § (a) (Md., Mar. 28, 2022).<sup>1</sup> The deadline did not begin to run until courts reopened on July 20,

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<sup>1</sup> Available at <https://mdcourts.gov/sites/default/files/admin-orders/20220328finalonemergencytollingorsuspensionofstatutesoflimitationsandstatutoryandrulesdeadline.pdf>.

2020, and it was also extended “by an additional 15 days[.]” *Id.* at 3, § (e). In other words, when the circuit court reopened on July 20, 2020, Blackwell had 45 days to file his ALA—or until September 3. *See id.*; Md. Rule 8-204(b)(2)(A). He met that deadline when he mailed his ALA on September 2. *See* Md. Rule 1-322(d) (prison mailbox rule). Consequently, the circuit court erred in striking the ALA as untimely.<sup>2</sup> On remand, the circuit court shall transmit Blackwell’s September 2, 2020, ALA along with the necessary record for docketing it on the ALA docket to be considered in its ordinary course.

**JUDGMENTS OF THE CIRCUIT  
COURT FOR BALTIMORE CITY  
REVERSED. CASE REMANDED  
FOR FURTHER PROCEEDINGS  
CONSISTENT WITH THIS  
OPINION. COSTS TO BE PAID BY  
THE MAYOR AND CITY COUNCIL  
OF BALTIMORE CITY.**

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<sup>2</sup> In his brief, Blackwell asserts the ineffective-assistance claims he sought to litigate in his ALA. When we reinstate an improperly stricken appeal, it proceeds in the ordinary course. *See In re Sorrell*, 20 Md. App. 179, 185 (1974). Because Blackwell filed an ALA, which is subject to this Court’s discretionary review, we do not address the merits of his claims at this time and will consider the ALA in its ordinary course.