

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1566

September Term, 2023

KENT M. BELL

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: March 7, 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.

Following a 2013 jury trial in the Circuit Court for Montgomery County, Kent M. Bell, appellant, was convicted of child sexual abuse, second-degree sexual offense and two counts of third-degree sexual offense. This Court affirmed his convictions on direct appeal. *Bell v. State*, No. 1150, Sept. Term 2013 (filed Jan. 21, 2015).

In August 2023, appellant filed a series of pleadings in this criminal case including: (1) a “Writ of Defamation of Character, Tort Claim & Breach of Contract,” wherein he claimed that the indictment was defective because the victim had perjured himself and therefore, that he should be awarded \$49,000,000; (2) a “Writ of ‘Final Judgment Order’ on a ‘Not True Bill of Indictment’” pursuant to Maryland Rule 2-602(b), wherein he claimed that the indictment was “clearly defective according to time specification;” (3) a “Writ of Final Judgment,” wherein he cited Section 8-507 of the Health General Article and generally claimed that he received “no mental health consideration [] before, during & after trial & sentencing;” and (4) a motion addressed to a “three judge panel” asking it to consider a claim of “double jeopardy due to a *Brady* violation that the circuit court that sentenced me will not address.” On September 21, 2023, the court issued a single order denying these motions without a hearing. Appellant’s sole claim on appeal is that the “State of Maryland did not consider [his] mental health issues under 8-507 & Due Process.” The State has moved to dismiss the appeal as not allowed by law. For that reasons that follow, we shall grant the motion to dismiss the appeal.

Appellant cites to no authority authorizing the motions he filed in the circuit court.¹ And we are aware of none. For that reason alone, the circuit court did not err in denying appellant’s motions. Moreover, in our view, appellant is not entitled to pursue a direct appeal from a proceeding unauthorized by law. “In Maryland, criminal defendants do not have a constitutional right to appeal. Instead, the right to seek appellate review is statutory; the Legislature can provide for, or preclude it.” *Douglas v. State*, 423 Md. 156, 170 (2011) (cleaned up). Section 12-301 of the Courts & Judicial Proceedings Article provides, with exceptions not here pertinent, that “a party may appeal from a final judgment entered in a civil or criminal case by a circuit court.” “A final judgment is one that either determines and concludes the rights of the parties involved or denies a party the means to prosecute or defend his or her rights and interests in the subject matter of the proceeding.” *Douglas*, 423 Md. at 171 (cleaned up).²

¹ To be sure, Health-General §§ 8-505(a)(1)(i) and 8-507(a)(1) provide that a court, pursuant to certain conditions, “may” order an evaluation for substance abuse and “may” commit a defendant for substance abuse treatment. But although appellant cited Section 8-507 in one of his pleadings, he did not claim that he had a substance abuse problem or request an evaluation or treatment. Rather, he asserted that the court had failed to give him “mental health consideration,” something that is not authorized in that statute. And in any event, the denial of a such a petition is not appealable unless the circuit court concludes that it lacks the authority to grant the petition, which it did not in this case. *See Hill v. State*, 247 Md. App. 377 (2020),

² There are three exceptions to the final judgment rule: “(1) appeals from interlocutory orders specifically allowed by statute; (2) immediate appeals permitted when a circuit court enters final judgment under Maryland Rule 2-602(b); and (3) appeals from interlocutory rulings allowed under the common law collateral order doctrine.” *In re O.P.*, 470 Md. 225, 250 (2020) (footnote omitted). In our view, the denial of appellant’s motions does not meet the requirements of any of these exceptions.

The motions appellant filed in this case are not recognized by law in a criminal case. Their denial, therefore, does not constitute a final judgment, and is not, therefore appealable. If the denial of these motions was appealable, then litigants who invent their own method of litigation unauthorized by law would then create for themselves greater appellate rights than litigants who follow extant law and procedure. That cannot be the law. Consequently, pursuant to Maryland Rule 8-602, we dismiss this appeal.³

**MOTION TO DISMISS APPEAL
GRANTED. COSTS TO BE PAID BY
APPELLANT.**

³ Nothing in this opinion is meant to comment on the merits of appellant's contentions or prejudice appellant's ability to pursue the relief he seeks through existing lawful mechanisms.