

Circuit Court for Baltimore County  
Case No. 03-K-17-004364

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2068

September Term, 2023

---

DANIEL PATRICK DEGOTO

v.

STATE OF MARYLAND

---

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.

In 2019, Daniel Patrick Degoto, appellant, was convicted in the Circuit Court for Baltimore County of one count of first-degree murder. The court sentenced him to a term of 50 years' imprisonment. On June 21, 2023, appellant filed a motion entitled "Post-Conviction Relief Amendment (1) of March 23, 2023, Remodification, According to Judge Colleen A. Cavanaugh Order of May 03, 2023 of MD Rule 4-402 Application MD Rule 4-402[.]" which appears to have been an attempt to modify a previously filed post-conviction petition (the motion to amend). The circuit court denied the motion to amend on June 30, 2023, finding that because the post-conviction petition had already been denied, "an Amendment to that Petition is an improper filing and will not be considered by the Court."

Appellant filed a notice of appeal from the denial of the motion to amend, which was docketed as Appeal No. ACM-REG-0981-2023. On October 30, 2023, he requested this Court to appoint him counsel to represent him in that appeal. We denied that request on November 16, 2023. On November 20, 2023, we granted the State's motion to dismiss the appeal as not allowed by law. Three days later, appellant filed, in the circuit court, a motion to appoint counsel to represent him in the already dismissed appeal. The court denied that motion on December 4, 2023. This appeal followed. On appeal, appellant contends that the court's denial of his motion to appoint counsel was a "violation of [the] right of Court Representation[.]" The State has moved to dismiss the appeal as both moot and not allowed by law.

At the time appellant requested the circuit court to appoint him counsel in his appeal from the denial of the motion to amend, that appeal had already been dismissed. Moreover, the mandate in that appeal has been issued. Therefore, the case is moot as there is no longer

“a controversy between the parties for which, by way of resolution, the court can fashion an effective remedy.” *Potomac Abatement, Inc. v. Sanchez*, 424 Md. 701, 710 (2012) (quotation marks and citation omitted). Because no exception to the mootness doctrine applies, we shall grant the State’s motion to dismiss the appeal as moot.<sup>1</sup>

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

---

<sup>1</sup> Because we hold that the appeal is moot, we need not decide whether the denial of appellant’s motion for the appointment of counsel constituted a final, appealable judgment.