

Circuit Court for Baltimore County
Case Nos.: C-03-CR-20-002640; C-03-CR-21-000060

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

Nos. 210 & 211

September Term, 2022

ANTONIO HICKS

v.

STATE OF MARYLAND

Graeff,
Zic,
Eyler, James R.
(Senior Judge, Specially Assigned),
JJ.

PER CURIAM

Filed: October 6, 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 September 2020, Antonio Hicks, appellant, was arrested and charged with attempted first-degree murder and related charges. He had a bail review in the District Court for Baltimore County and was ordered to be held without bail. He was subsequently indicted, and the case was transferred to the Circuit Court for Baltimore County under Case No. C-03-CR-20-002640. The same month, appellant was also arrested and charged with one count of threatening mass violence. He was also ordered to be held without bail on that charge following a bail review in the District Court. That case was subsequently transferred to the Circuit Court under Case No. C-03-CR-21-000060. Appellant is currently awaiting trial on those charges.

Acting *pro se*, appellant has filed numerous motions in both cases seeking immediate bail review pursuant to Maryland Rule 4-216. He has also filed numerous other motions, including several motions to dismiss based on alleged statutory and constitutional speedy trial violations. All of those motions have been denied. On March 28, 2022, appellant filed notices of appeal in both cases. This Court subsequently granted the State’s motion to consolidate the appeals. For the reasons that follow, we shall dismiss the appeals.

In his informal brief, appellant indicates that he is appealing from numerous orders issued by the circuit court. However, as the State correctly notes, Maryland Rule 8-202(a) provides that a party must file his or her notice of appeal “within 30 days after entry of the judgment or order from which the appeal is taken.” Although not jurisdictional, this requirement is a “binding rule on appellants” unless “waiver or forfeiture applies to a belated challenge to an untimely appeal[,]” which it does not in this case. *Rosales v. State*, 463 Md. 552, 568 (2019).

A review of the record indicates that only three orders identified by appellant were entered within 30 days of the date that he filed his notices of appeal. Two of those orders denied motions to dismiss based on speedy trial violations that appellant filed in both cases. The third denied a motion for immediate bail review that appellant filed in both cases.¹ However, we may not review the denial of appellant’s speedy trial motions as a final judgment has not been entered in either case. *See Payne v. State*, 73 Md. App. 749, 752 (1988) (“Neither a constitutional speedy trial claim nor a statutory speedy trial claim may be raised by way of interlocutory appeal.”). Moreover, review of the denial of bail must be obtained by first filing a petition for writ of habeas corpus and then filing an application for leave to appeal if the petition for writ of habeas corpus is denied. Md. Code Ann., Cts. & Jud. Proc. § 3-707; Maryland Rule 8-204. Here, appellant did not file a petition for a writ of habeas corpus following the denial of his motion for bail review. Consequently, the court’s order denying his motion for immediate bail review is also not properly before us. Therefore, we shall dismiss the appeal.

This dismissal is without prejudice to the right of appellant to file an application for leave to appeal following the denial of a petition for writ of habeas corpus filed in a separate circuit court action or to seek review of the denial of his speedy trial motions following an appeal from a final judgment entered in either case.

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

¹ The State refers to this pleading as a petition for writ of habeas corpus. However, a review of the record indicates that it was a motion for immediate bail review pursuant to Maryland Rule 4-216.