

Circuit Court for Baltimore City
Case Nos: 197294051, 055, 063, 065, 067, 069, 071, 073

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 479

September Term, 2020

KEITH EDMONDS

v.

STATE OF MARYLAND

Friedman,
Gould,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 10, 2021

*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 1999, a jury in the Circuit Court for Baltimore City found Keith Edmonds, appellant, guilty of felony murder and related offenses. The court sentenced him to life imprisonment, plus a consecutive 40 years. On direct appeal, this Court vacated a conviction and sentence for second-degree murder, as it should have merged with the first-degree felony murder conviction, and otherwise affirmed the judgments. *Edmonds v. State*, 138 Md. App. 438 (2001).

In 2020, Mr. Edmonds, representing himself, filed a Motion for Evaluation Pursuant to Health General § 8-505 and Commitment Pursuant to Health General § 8-507. In his motion, Mr. Edmonds informed the court that he had completed his “general education” and a host of other programs offered in prison, and he attached copies of certificates of completion of the various training and/or educational programs he had engaged in. He noted, however that he had not yet received “any drug treatment.” He informed the court that his “first parole hearing is 2021, and 2022 he’ll be eligible for parole” and “if given the chance to enter the Mental Hygiene program to better his drug abuse problems, it would be helpful and comparable [sic] to [his] parole to be acceptable into the program for treatment.”

By letter dated June 25, 2020, the court advised Mr. Edmonds that it had received his motion and then stated: “Congratulations on the completion of the different enrichment programs you participated in while incarcerated. Unfortunately, your request is respectfully denied.” Mr. Edmonds appeals that decision.

On appeal, Mr. Edmonds asserts that the denial of his motion “deprived him of due process[]” because the court “didn’t even look into [his] serious drug addictions,” but

simply summarily denied his motion. He further maintains that “the failure or refusal to treat [his drug addiction] could well result in the deprivation of life itself.”

The State moves to dismiss the appeal as not permitted by law. The State relies on *Fuller v. State*, 397 Md. 372 (2007), in which the Court of Appeals held that the denial of an inmate’s request to be committed to a drug treatment program pursuant to Health General § 8-507 was not appealable because the denial of relief did not preclude the person from filing another petition and, thus, was not a final judgment nor an appealable collateral order. *Id.* at 394-95. The State further maintains that this Court’s recent decision in *Hill v. State*, 247 Md. App. 377 (2020) is inapplicable because here, unlike in *Hill*, the record before us does not reflect “that the circuit court believed it lacked jurisdiction to consider Edmonds’s motion.”

In *Hill*, this Court held that there was appellate jurisdiction to consider the denial of an inmate’s Health General § 8-507 request where the court ruled that it was precluded from authorizing treatment because the petitioner had been convicted of a crime of violence and was not parole eligible until 2024. 247 Md. App. at 389. Although the petitioner had previously qualified for treatment and the court had indicated its willingness to authorize it, in 2018 the legislature amended the statute and disallowed commitment for drug treatment for prisoners convicted of crimes of violence until they became eligible for parole. *Id.* In ruling that the 2018 amendments to the statute prohibited the court from authorizing treatment, the circuit court rejected Mr. Hill’s contention that those amendments violated the *Ex Post Facto* Clause found in Article 1 of the United States Constitution and Article 18 of the Maryland Declaration of Rights because the statutory

amendments were enacted after his 2011 conviction. *Id.* In determining that this Court did have jurisdiction to consider Mr. Hill’s appeal, we noted that Mr. Hill, unlike the inmate in *Fuller*, was prohibited from filing another petition until he became parole eligible and thus, the judgment was final and, therefore, appealable. *Id.* at 387-89. We then held that the application of the 2018 amendments to Mr. Hill violated the *Ex Post Facto* Clause of the United States Constitution. *Id.* at 402.

We agree with the State that *Fuller* generally precludes an appeal from the circuit court’s denial of a motion for drug treatment pursuant to Health-General § 8-507. Here, however, the circuit court denied Mr. Edmonds’s request without explanation and approximately two months prior to this Court’s decision in *Hill*. Mr. Edmonds, who is serving a sentence for a crime of violence committed in 1998, explicitly stated in his petition that his “first parole hearing is 2021, and 2022 he’ll be eligible for parole.” As such, it is not clear to us if the circuit court denied Mr. Edmonds’s request because of the 2018 amendments to the statute or, instead, denied relief in the exercise of its sound discretion. Accordingly, we shall not dismiss the appeal for lack of appellate jurisdiction;

rather, we remand to the circuit court for a reconsideration of its decision in light of this Court’s decision in *Hill*.

APPELLEE’S MOTION TO DISMISS APPEAL DENIED. CASE REMANDED TO THE CIRCUIT COURT FOR BALTIMORE CITY WITHOUT AFFIRMANCE OR REVERSAL FOR RECONSIDERATION OF ITS JUNE 25, 2020 DECISION DENYING APPELLANT’S REQUEST FOR DRUG TREATMENT PURSUANT TO HEALTH GENERAL § 8-507.

COSTS TO BE PAID BY MAYOR AND CITY COUNCIL OF BALTIMORE.