

Circuit Court for Baltimore City  
Case No. 114022017

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 725

September Term, 2022

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ROBERT WIMBLEY

v.

STATE OF MARYLAND

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Wells, C.J.,  
Tang,  
Meredith, Timothy E.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 2, 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 2015, Robert Wimbley, appellant, pleaded guilty to one count of second-degree murder. He received a sentence of 30 years’ imprisonment, with all but 20 years suspended. In 2022, appellant filed a petition for an evaluation for drug treatment pursuant to Section 8-505 of the Health General Article. The court denied the motion, finding that it could not grant his request because a 2018 amendment to the Health General Article limited the availability of drug treatment to persons who had not been convicted of violent crimes unless they were eligible for parole.

Appellant’s sole claim on appeal is that the circuit court erred in finding that it was precluded from granting his petition because he was serving a sentence for a crime of violence. The State concedes that the court erred in finding that appellant was ineligible for a drug treatment evaluation referral as a matter of law. We agree. In *Hill v. State*, 247 Md. App. 377 (2020) this Court held that the 2018 amendment to the Health General Article did not apply to people who were already serving sentences for crimes of violence at the time the amendment was passed because that would be a “quintessential *ex post facto* violation[.]” *Id.* at 402. Because appellant was already serving his sentence when the legislature passed the 2018 amendment, it does not apply to him. He therefore remains eligible for an evaluation to determine whether he is in need of drug treatment under the Health General Article. Consequently, we shall reverse the judgment of the circuit court and remand the case for the court to consider his petition on the merits.

**JUDGMENT 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.**