

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 788

September Term, 2025

THOMAS RAY DAVIS

v.

STATE OF MARYLAND

Wells, C.J.,
Berger,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 26, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a 2002 jury trial in the Circuit Court for Baltimore City, Thomas Ray Davis, appellant, was convicted of first-degree murder and use of a handgun in the commission of a crime of violence. The court sentenced him to a term of life imprisonment on the murder count and a consecutive sentence of 10 years' imprisonment on the handgun count, the first five years without the possibility of parole. In 2025, appellant filed a petition for a substance abuse evaluation, and commitment for substance abuse treatment, pursuant to Health-General Article (HG) §§ 8-505 and 507. Relying on HG § 8-505(a)(2)(i), the court found that because appellant was serving a sentence for a crime of violence it could “not order the Department to evaluate [him] . . . until [he was] eligible for parole[.]” This appeal followed. On appeal, appellant contends that the court erred in denying the petition because: (1) the application of HG § 8-505(a)(2)(i) to his petition violated the constitutional prohibition against ex post facto laws, and (2) even if it could be constitutionally applied to him, he was, in fact, eligible for parole at the time the petition was filed. The State agrees that appellant was eligible for parole at the time he filed his petition and, therefore, reversal is required. For the reasons that follow, we shall reverse the judgment of the circuit court and remand the case for the court to consider appellant's petition for a substance abuse evaluation on the merits.

Pursuant to HG § 8-505(a)(2)(i) and HG § 8-507(a)(2)(i), a person serving a sentence for a crime of violence is not eligible for a Health-General evaluation or commitment until they are eligible for parole. In *Hill v. State*, 247 Md. App. 377 (2020), this Court held that these limitations, which were enacted in 2018, did not apply to a defendant who was serving a sentence for a crime of violence committed in 2010, when

eligibility for a Health-General commitment was “essentially unrestricted[.]” because that would be a “quintessential *ex post facto* violation[.]” *Id.* at 379, 402. As to appellant’s claim that his case is governed by *Hill*, the State’s position is that “application of the 2018 amendments to [him] does not violate the constitutional prohibition against *ex post facto* laws” because his “crimes of violence were committed before 2004 which is when eligibility for Health-General commitment became ‘essentially unrestricted.’” We need not resolve this issue, however, because the State concedes, and the record reflects, that appellant was eligible for parole when he filed his petition. Consequently, even if the 2018 amendments to the Health-General Article could be constitutionally applied to appellant, he would still be eligible for an evaluation and commitment pursuant to HG §§ 8-505 and 8-507. We shall, therefore, reverse the judgment of the circuit court and remand the case to consider appellant’s petition on the merits.

**JUDGMENT REVERSED AND CASE
REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION. COSTS TO BE PAID
BY THE MAYOR AND CITY
COUNCIL OF BALTIMORE.**