

Circuit Court for Washington County
Case No.: C-21-CR-18-000546

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1240

September Term, 2022

LANCE TERRELL BODISON

v.

STATE OF MARYLAND

Friedman,
Albright,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 6, 2023

*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 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.

Pursuant to an indictment filed in the Circuit Court for Washington County in July 2018, Lance Terrell Bodison, appellant, was charged with 34 controlled dangerous substances (“CDS”) offenses. On August 27, 2019, Mr. Bodison pleaded guilty to two counts of possession of a large quantity of CDS and one count of common nuisance-distribution of narcotics. The court sentenced him to a total term of 25 years’ imprisonment, the first five years without the possibility of parole, with all but 13 years suspended, to be followed by a five-year term of supervised probation.

In 2022, Mr. Bodison, representing himself, filed a petition for a drug evaluation and a commitment for treatment pursuant to § 8-505 and § 8-507 of the Health General Article of the Maryland Code. In his petition, Mr. Bodison asserted that the 2018 amendments to the aforementioned statutes, as applied to him, “violates the *Ex Post Facto* Clause” and that he should be granted an evaluation and treatment “pursuant to the more lenient laws of 2018, that were in effect on Thursday, June 21, 2018, when the crimes were committed[.]” Mr. Bodison correctly noted that the legislature had amended the statutes, effective October 1, 2018, to prohibit a court from ordering an evaluation or committing for treatment an individual “*who is serving a sentence for a crime of violence, as defined in § 14-101 of the Criminal Law Article . . . until the defendant is eligible for parole.*” Health General, § 8-505(a)(2)(i) and § 8-507(a)(2)(i) (emphasis added).

The State filed a response to Mr. Bodison’s petition, simply asserting its opposition to the requests. On August 22, 2022, the court issued an order stating that, “[h]aving read and considered Defendant’s Petition for Evaluation and Commitment for Substance Abuse

Treatment . . . and the State’s response thereto[,]” the requests for evaluation and commitment for treatment were denied. Mr. Bodison appeals that ruling.

In this Court, Mr. Bodison reiterates his claim that the 2018 amendments to § 8-505 and § 8-507 of the Health General Article violate the *Ex Post Facto* Clauses found in the United States Constitution and the Maryland Declaration of Rights when applied to him. The flaw in his argument, however, is that there is nothing before us that indicates Mr. Bodison was convicted in this case of a “crime of violence” as that term is defined in Crim. Law § 14-101. Mr. Bodison was convicted of two counts of possession of a large quantity of CDS (a violation of Crim. Law § 5-612) and one count of common nuisance-distribution of narcotics (a violation of Crim. Law § 5-605(a)(2)). The definition of “crime of violence” set forth in Crim. Law § 14-101 does not include either of these CDS offenses. In other words, we fail to see how the 2018 statutory amendments apply to Mr. Bodison. Moreover, nothing in the court’s denial of relief indicates that the court believed it was prohibited from ordering an evaluation or authorizing treatment in this case until Mr. Bodison is parole eligible.

Health-General § 8-505(a)(1)(i) and § 8-507(a)(1) provide that a court, pursuant to certain conditions, “may” order an evaluation for substance abuse and “may” commit a defendant for treatment. As such, whether to grant relief is left to the court’s discretion. And neither statute provides for appellate review of a decision to deny a request for substance abuse evaluation or commitment for treatment. Accordingly, we shall grant the State’s request to dismiss the appeal as not allowed by law. *See Fuller v. State*, 397 Md.

372, 380 (2007) (“the denial of a petition for commitment for substance abuse treatment pursuant to Section 8-507 of the Health-General Article is not an appealable order.”).¹

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

¹ Given our disposition, the State’s alternative motion, to dismiss the appeal because Mr. Bodison failed to provide certain transcripts, is moot.