

Circuit Court for Harford County
Case No. 12-K-14-000396

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1282

September Term, 2023

DONALD G. REMBOLD

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: May 10, 2024

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

Donald G. Rembold, appellant, appeals from the denial, by the Circuit Court for Harford County, of an “omnibus” motion. For the reasons that follow, we shall affirm the judgment of the circuit court.

On January 28, 2014, Mr. Rembold was charged in the District Court for Harford County with sexual abuse of a minor and second degree sexual offense. On February 24, 2014, the district court found probable cause and forwarded the case to the circuit court. On February 25, 2014, the circuit court remanded the case to the district court. The record does not contain an explanation for the remand. On March 19, 2014, Mr. Rembold was charged by indictment in the circuit court with two counts of sexual abuse of a minor and two counts of third degree sexual offense. On March 20, 2014, the district court again forwarded its case to the circuit court.

On January 27, 2016, Mr. Rembold, through counsel, filed a “Motion to Dismiss for Denial of Speedy Trial and Denial of Due Process of Law.” The court subsequently denied the motion. On April 12, 2016, Mr. Rembold was convicted by the court of the aforementioned offenses.

On or about May 30, 2016, Mr. Rembold, *pro se*, filed a “Motion to Dismiss for Lack of Jurisdiction [and] Motion to Dismiss for Violation of Rule 4-271.” On July 20, 2016, Mr. Rembold appeared for sentencing *pro se*. During the hearing, the court denied the motions to dismiss on the ground that “all of the issues raised in the motion[s] were identical to issues and arguments raised previously in motions filed by Mr. Rembold.”

The court subsequently sentenced Mr. Rembold to a term of imprisonment of 25 years, all but twenty years suspended, for the first count of sexual abuse of a minor. For

the second count of sexual abuse of a minor, the court sentenced Mr. Rembold to a term of imprisonment of 25 years, all but twenty years suspended, to be served consecutive to the sentence for the first count of sexual abuse of a minor. The court merged the remaining convictions, and awarded Mr. Rembold 904 days' credit for time served.

On May 23, 2023, Mr. Rembold filed an “omnibus” motion. The motion is somewhat confusing, and replete with allegations of misconduct by district and circuit court judges, district and circuit court personnel, and defense counsel. As best we can determine, Mr. Rembold contended that the February 25, 2014 remand to the district court precluded further prosecution of him in the circuit court. Mr. Rembold further contended that his sentence is illegal, that he had been denied “appropriate pretrial credit,” and that the trial court had failed to rule on his May 30, 2016 motion to dismiss for lack of jurisdiction. The court denied the omnibus motion.

Mr. Rembold's brief, like his omnibus motion, is somewhat confusing, and replete with allegations of misconduct by district and circuit court judges, district and circuit court personnel, and defense counsel. As best we can determine, Mr. Rembold first contends that the trial court failed to resolve his May 30, 2016 motion to dismiss for lack of jurisdiction. We disagree. The transcript of the sentencing hearing, which is included in the record, clearly reflects that the court acknowledged and denied the motion. Hence, the court did not fail to resolve the motion.

Mr. Rembold next appears to contend that the circuit court lacked jurisdiction because its February 25, 2014 remand to the district court was done for the purpose of “dismissal of the perjured allegations,” and “these events . . . are supported by an audio

recording.” But, Mr. Rembold does not identify where in the record this “recording” is located, and does not specify any other evidence that supports this contention. Even if the district court had dismissed one or more charges, Rule 4-221(g) states that such a dismissal would have been “without prejudice.” Hence, the circuit court did not lack jurisdiction over Mr. Rembold.

Finally, Mr. Rembold contends that the court erred in failing to hold a hearing on the omnibus motion and appoint counsel. But, Mr. Rembold does not cite any authority that required the court to hold a hearing on the motion or appoint counsel. Hence, the court did not err in failing to do so, and did not err in denying the omnibus motion.

**JUDGMENT OF THE CIRCUIT COURT
FOR HARFORD COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**