

Circuit Court for Frederick County
Case No. 10-K-15-057240

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1409

September Term, 2022

COREY MALIK GRANT

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: February 12, 2023

*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.

*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.

In 2016, Corey Malik Grant, appellant, pleaded guilty in the Circuit Court for Frederick County to first-degree assault, home invasion, and conspiracy to commit first-degree burglary. He subsequently filed a petition for post-conviction relief which was denied in 2019. In October 2021, appellant filed a motion to reopen the post-conviction proceedings, which he supplemented in January 2022. The State filed an opposition and appellant then filed a second supplement in June 2022.

In August 2022, appellant filed a “Motion for State to be Time Barred,” wherein he asserted that the State should be barred from opposing his motion to reopen the post-conviction proceedings because it did not file a timely opposition, and the opposition that it did file did not address all of his claims. The court denied that motion without a hearing. This appeal followed. On appeal, appellant contends that the court erred in denying his “Motion for State to be Time Barred.” The State has moved to dismiss the appeal as not allowed by law. For the reasons that follow, we shall grant the motion to dismiss.

This Court only has jurisdiction over an appeal when it is taken from a final judgment or is otherwise permitted by law. *See Addison v. Lochearn Nursing Home, LLC*, 411 Md. 251, 273-74 (2009). A final judgment is a judgment that “disposes of all claims against all parties and concludes the case.” *Matter of Donald Edwin Williams Revocable Tr.*, 234 Md. App. 472, 490 (2017) (quotation marks and citation omitted). “An order will constitute a final judgment if the following conditions are satisfied: (1) it must be intended by the court as an unqualified, final disposition of the matter in controversy; (2) it must adjudicate or complete the adjudication of all claims against all parties; and (3) the clerk must make a proper record of it on the docket.” *Waterkeeper All., Inc. v. Maryland Dep’t*

of Agric., 439 Md. 262, 278 (2014) (internal quotation marks and citation omitted). There are only three exceptions to the final judgment requirement: appeals from interlocutory orders specifically allowed by statute; immediate appeals permitted under Maryland Rule 2-602(b); and appeals from interlocutory rulings permitted under the common law collateral order doctrine. *Johnson v. Johnson*, 423 Md. 602, 607 (2011).

Here, the circuit court’s order denying appellant’s “Motion for State to be Time Barred” did not finally resolve appellant’s motion to reopen post-conviction proceedings. Therefore, it was not a final judgment. Moreover, no exception to the final judgment rule applies. Consequently, we must dismiss the appeal as premature. This dismissal, however, is without prejudice to appellant raising this claim in an Application for Leave to Appeal in the event that the court ultimately denies his motion to reopen post-conviction proceedings.

**APPELLEE’S MOTION TO DISMISS
APPEAL GRANTED. COSTS TO BE
PAID BY APPELLANT.**