

Circuit Court for Anne Arundel County
Case No.: C-02-CV-21-000965

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1449

September Term, 2021

IN THE MATTER OF
RICHARD MOISE

Wells, C.J.,
Nazarian,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 27, 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.

Richard Moise, appellant, appeals from an order by the Circuit Court for Anne Arundel County dismissing his suit against the Attorney Grievance Commission of Maryland, appellee. The circuit court entered its order on October 8, 2021. Moise filed a deficient notice of appeal that was rejected by the clerk on October 28 for improper certificate of service. Moise mailed a corrected notice on November 3, which the clerk received and filed on November 15. In its response brief, the Commission moves to dismiss this appeal as untimely.

Under Maryland Rule 8-202(a), Moise was required to file his notice of appeal “within 30 days after entry of the judgment or order from which the appeal is taken.” Here, that deadline was November 8, 2021. Moise’s first notice was not a filing within the deadline because it lacked a proper certificate of service. *Lovero v. Da Silva*, 200 Md. App. 433, 450 (2011). Further, Moise’s reliance on Rule 1-203 is misplaced. Contrary to his argument, because the time period for filing a notice of appeal is more than seven days, intermediate Saturdays and Sundays are counted when calculating the deadline. *See* Md. Rule 1-203; Md. Rule 8-202(a).

Similarly, the “prison mailbox rule” created by Rule 1-322 cannot save Moise’s second notice because, although he is a self-represented litigant confined to a correctional facility with no direct access to the postal service, he does not “seek relief from a criminal conviction or [his] confinement[.]” Md. Rule 1-322(d)(1). Therefore, Moise’s notice of appeal was not filed until the clerk received it on November 15, 2021—one week past the

deadline. *See* Md. Rule 1-322(a). Consequently, we must dismiss this appeal as untimely under Rule 8-602(b)(2).

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