

Circuit Court for Montgomery County
Case No. 132457C

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1631

September Term, 2022

LUIS A. RAMIREZ

v.

STATE OF MARYLAND

Wells, C.J.,
Nazarian,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 25, 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.

Luis A. Ramirez, appellant, appeals from the denial, by the Circuit Court for Montgomery County, of a petition for commitment for substance abuse treatment pursuant to Md. Code (1982, 2019 Repl. Vol., 2021 Supp.), §§ 8-505 and 8-507 of the Health-General Article (“HG”). For the reasons that follow, we shall dismiss the appeal.

On September 21, 2017, Mr. Ramirez was charged by indictment with committing a first degree assault on or about August 27, 2017. On March 1, 2018, Mr. Ramirez pleaded guilty to the offense. The court subsequently sentenced Mr. Ramirez to a term of imprisonment of 25 years, all but fourteen years suspended. “Effective October 1, 2018, . . . the General Assembly amended [HG § 8-507] to preclude a court from ordering a commitment for substance abuse treatment for a defendant convicted of a crime of violence until the defendant is eligible for parole.” *Hill v. State*, 247 Md. App. 377, 379 (2020) (quotations omitted). On August 27, 2022, Mr. Ramirez filed the petition for commitment. The court subsequently denied the petition.

Mr. Ramirez contends that the court erred in denying the petition, because “the *Ex Post Facto* Clause required that [he] be issued commitment . . . pursuant to the more lenient laws . . . that were in effect . . . when the [offense was] committed, . . . not the [subsequent] versions.” The State moves to dismiss the appeal on the ground that generally, “the denial of an [HG] § 8-507 motion is not appealable.” *See Fuller v. State*, 397 Md. 372, 380 (2007) (“the denial of a petition for commitment for substance abuse treatment pursuant to [HG § 8-507] is not an appealable order”). Alternatively, the State requests that we affirm the court’s judgment.

We shall dismiss the appeal. In *Hill*, we reversed the circuit court’s denial of a motion requesting commitment for substance abuse treatment, because the court erroneously concluded that the 2018 amendment to HG § 8-507 precluded the court from ordering such commitment for a defendant convicted of a crime of violence committed prior to the amendment. 247 Md. App. at 380. Here, the court’s order simply states: “Defendant’s Petition for Civil Commitment is DENIED.” (Boldface omitted.) As there is no evidence that the court denied Mr. Ramirez’s petition for the reason prohibited by *Hill*, and the denial of a petition for commitment for substance abuse treatment is not otherwise appealable, we grant the State’s motion and dismiss the appeal.

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