

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1

September Term, 2016

CLINTON A. JACKSON

v.

LEONARD C. BENNETT

Woodward,
Leahy,
Friedman,

Opinion by Friedman, J.

Filed: February 1, 2017

*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.

A litigant may appeal a judgment by filing a notice of appeal. The notice of appeal must be filed within thirty days after the judgment is entered into the trial court's docket. If the notice of appeal is filed more than thirty days after the entry of judgment, the trial court may strike it as untimely. If the trial court does not strike the appeal, we will. Clinton Jackson argues that the trial court improperly struck his notice of appeal. We agree with the trial court that Jackson's appeal was untimely and, therefore, agree with the trial court's decision to strike his notice of appeal. As a result, we affirm.

BACKGROUND

Jackson hired Leonard Bennett to represent him in a civil suit. Bennett withdrew his representation of Jackson in January 2013 because Jackson had not paid him for his work. Bennett then sued Jackson for the unpaid fees. A trial on Bennett's suit commenced and, on September 8, 2015, the jury returned a verdict in Bennett's favor. The trial court signed a "Hearing Sheet" that same day, which stated that the "Hearing [S]heet shall act as [an] Order of the Court." This Hearing Sheet was docketed on September 18, 2015.

On October 21, 2015, Jackson filed a "Motion for a Final Order of Judgment" in the trial court, requesting that the court enter an order of judgment so that, Jackson argued, he could then file an appeal. On October 26, 2015, the trial court provided Jackson with a copy of the original Hearing Sheet, which indicated that judgment had been entered in favor of Bennett back on September 8, 2015. On November 9, 2015, Jackson filed a notice of appeal. Jackson later renewed his "Motion for a Final Order of Judgment." On February 3, 2016, the trial court denied Jackson's renewed motion and struck his notice of appeal.

Jackson now appeals from the trial court's decision to strike his notice of appeal.

DISCUSSION

Jackson presents three questions for our review,¹ but all three argue that the trial court improperly struck his notice of appeal. Jackson argues that the trial court did not enter an order of judgment and, therefore, that he could not file a timely appeal. Implicit in his argument is Jackson's belief that the Hearing Sheet was not an order of judgment. He's wrong. For the reasons explained below, we hold that it is an order of judgment. Therefore, if Jackson desired to appeal the judgment against him, he was required to file his notice of appeal within 30 days after that order was entered in the trial court's docket.

¹ Jackson's "Issues Presented" are as follows:

1. Whether the Circuit Court erred in [its] denial of [Jackson's] Motion for a Final Order of Judgment (filed on 10/21/[2]015) and Renewed Motion for a Final Order of Judgment (filed on [11]/22/[20]15)?
2. Whether the Circuit Court's Civil Hearing Sheet issued to [Jackson], a [self-represented] party, on 10/21/15, received by [Jackson] on 10/26/15, after having been docketed/filed on 9/18/15, thereon reflecting at the bottom that (this) "HEARING SHEET SHALL ACT AS ORDER OF THE COURT re judgment to be entered in favor of Plaintiff and against Defendant" constituted a Final Order of Judgment, notwithstanding the fact that it failed to resolve all claims among all Parties, i.e., [Jackson's] counterclaims ... including breach of contract, misrepresentation, fraud, professional negligence, etc., which were not reflected on the Hearing Sheet?
3. Whether the Circuit Court's failure to issue a Final Order of Judgment denied [Jackson's] due process?

Maryland Rule 8-202(a) provides that a “notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken.” We have previously explained that the date of judgment is not the date a trial judge signs an order of judgment, but rather the date that the judgment is entered in the trial court’s docket. *Martino v. Arfaa*, 169 Md. App. 692, 701 (2006) (“[I]t is not the date that the judge signs an order that controls the deadline for filing an appeal. ... Pursuant to the plain language of Rule 2-601(b), the date of the judgment is the actual date on which the judgment is entered on the docket, and it is that date that begins the 30 day period for filing a notice of appeal.”).

Here, the trial court entered the judgment—by way of a Hearing Sheet—against Jackson on its docket on September 18, 2015. The Hearing Sheet explicitly explained that it would act as an order of the court. Jackson was free to appeal within 30 days of that order’s docketing. He did not. Jackson’s protestation that no “order of judgment” was entered against him is simply incorrect. The Hearing Sheet *was* the order of judgment. The trial court was not only correct in striking his appeal but, had it not, we would be required to do so. “The requirement that [a notice] of appeal be filed within thirty days of a final judgment, is jurisdictional; if the requirement is not met, [we acquire] no jurisdiction and the appeal must be dismissed.” *Comptroller of the Treasury v. J/Port, Inc.*, 184 Md. App. 608, 643 (2009) (citations and quotations omitted). Thus, we have no jurisdiction over an

untimely appeal, as is the case here, and Jackson’s appeal was properly dismissed.² We, therefore, affirm the trial court.³

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

² Jackson has raised two incomplete arguments regarding the untimeliness of his appeal throughout his brief and, because they are incomplete, we need not address them. *See Ruffin Hotel Corp. of Maryland, Inc. v. Gasper*, 418 Md. 594, 618 (2011) (citations omitted) (“Appellate courts cannot be expected to either (1) search the record on appeal for facts that appear to support a party’s position, or (2) search for the law that is applicable to the issue presented.”). Nevertheless, we will address these nascent issues. *First*, Jackson’s self-represented status is irrelevant to the untimeliness of his appeal. Regardless of Jackson’s status (and we note that, although he is self-represented, Jackson is a former attorney), the Maryland Rules of Procedure apply to self-represented litigants as well as those represented by counsel. *See Tretick v. Layman*, 95 Md. App. 62, 68 (1993) (explaining that the rules of procedure apply to “laymen and lawyers alike”). Both must note their appeals in a timely fashion. *Second*, because the trial court was correct in dismissing Jackson’s appeal as untimely, he suffered no violation of his due process rights. No one has the constitutional right to file an untimely appeal.

³ Jackson also raises other challenges—unrelated to the timeliness of his appeal—throughout his brief. Because we affirm the trial court’s dismissal of Jackson’s notice of appeal, however, we have no jurisdiction to, and therefore will not, review those challenges. *See J/Port, Inc.*, 184 Md. App. at 643.