

Circuit Court for Baltimore City
Case No. 24-C-16-003526

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1646

September Term, 2016

ROBERT JOSEPH KING

v.

MARYLAND DEPARTMENT OF HEALTH

Woodward, C.J.,
Friedman,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 11, 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.

On May 14, 1999, the Circuit Court for Prince George’s County ordered Robert Joseph King, appellant, to be committed as not criminally responsible to the Department of Health (“the Department” or appellee). He was admitted to the Clifton T. Perkins Hospital Center (“Perkins”) in Jessup.

In March and April 2016, appellant filed numerous grievances through the resident grievance system at Perkins, four of which he appealed through the grievance process. On May 23, 2016, the Central Review Committee determined these grievances to be either invalid or inconclusive. On June 10, 2016, appellant filed a single petition for judicial review of the four grievance decisions in the Circuit Court for Baltimore City, along with a request for a waiver of filing fees. On July 29, 2016, the circuit court denied appellant’s request to waive fees, stating that appellant’s claim appeared to be frivolous because appellant “is seeking review of four separate decisions of the [Department] in one [p]etition for” review. On August 15, 2016, appellant filed a motion for reconsideration, which the court denied on September 26th. Appellant noted this appeal, challenging the court’s denial of his fee waiver and asserting that his case was not frivolous because he could combine four administrative appeals into one petition. For the reasons stated below, we affirm.

Prior to a consideration of the merits, we address an issue not briefed by the parties, which is the nature of appellant’s appeal. In *Pickett v. Noba, Inc.*, 122 Md. App. 566, 570-71 (1998), this Court recognized that a motion to alter or amend filed within ten days of the entry of judgment stays the deadline to file an appeal, whereas one filed more than ten days after entry of the judgment does not. In this case, appellant filed his motion for

reconsideration more than ten days after entry of the judgment. Accordingly, the deadline to file an appeal of the July 29, 2016 order was not stayed. As such, appellant’s October 6, 2016 notice of appeal does not encompass the court’s July 29, 2016 order denying his fee waiver. *See* Rule 8-202(a) (requiring notice of appeal to be filed within thirty days of the judgment from which the appeal is taken). Appellant’s notice of appeal is, however, timely to challenge the court’s denial of his motion for reconsideration. *See Pickett*, 122 Md. App. at 572.

We review the denial of a motion for reconsideration for abuse of discretion. *See Hossainkhail v. Gebrehiwot*, 143 Md. App. 716, 723-24 (2002). ““We consider the facts and the law solely to review the validity of the conclusion [the hearing judge] reached on the point.”” *Id.* at 724 (quoting *New Freedom Corp. v. Brown*, 260 Md. 383, 386 (1971)). “We will not reverse the judgment of the hearing judge unless there is grave reason for doing so[,]” and “[o]ur focus is on whether justice has not been done.” *Id.* Furthermore, a court abuses its discretion ““where no reasonable person would take the view adopted by the [trial] court, or when the court acts without reference to any guiding rules or principles.”” *Smith v. State*, 232 Md. App. 583, 598 (2017) (quoting *Nash v. State*, 439 Md. 53, 67 (2014)).

We are not persuaded that the court abused its discretion in denying appellant’s motion for reconsideration. In denying a request for a fee waiver, a court must determine if the underlying claim is frivolous, and, if so, explain why. *See Davis v. Mills*, 129 Md. App. 675, 679 (2000). We noted that the explanation requirement is not ““an onerous one. A lengthy statement is not necessary; a brief, one line notation . . . will normally suffice.””

Id. (quoting *Torbit v. State*, 102 Md. App. 530, 537 (1994)). In this case, the circuit court provided an explanation for the denial of the fee waiver request. As such, we perceive no abuse of discretion in the court’s denial of the motion for reconsideration.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**