

Circuit Court for Carroll County  
Case Nos. 06-K-01-027770 and 027771

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

Nos. 305 and 306

September Term, 2022

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ANTONIO LEVAR BROWN

v.

STATE OF MARYLAND

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Wells, C.J.,  
Zic,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: October 6, 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.

Antonio Levar Brown, appellant, appeals from the denial, by the Circuit Court for Carroll County, of a motion for substance abuse evaluation and commitment to a treatment facility pursuant to Md. Code (1982, 2019 Repl. Vol., 2021 Supp.), §§ 8-505 and 8-507 of the Health-General Article. Mr. Brown contends that the court abused its discretion in denying the motion, because the judge that denied the motion, specifically the Honorable Brian L. DeLeonardo, “was lead prosecutor on several . . . motions” filed prior to Mr. Brown’s September 2001 trial, and “case law is in oppositio[n] of the” court’s judgment. The State moves to dismiss the appeal on the grounds that Judge DeLeonardo was not “the trial attorney who prosecuted” Mr. Brown, and the court’s “ruling is not an appealable order.”

We agree with the State. The record reflects that at Mr. Brown’s trial, the State was represented not by Judge DeLeonardo, but by Assistant State’s Attorney Natasha M. Byus, and Mr. Brown does not cite any authority that disqualified Judge DeLeonardo solely because he signed pretrial motions in his previous capacity as a State’s Attorney. Also, the Court of Appeals has held “that the denial of a petition for commitment for substance abuse treatment pursuant to Section 8-507 of the Health-General Article is not an appealable order.”<sup>1</sup> *Fuller v. State*, 397 Md. 372, 380 (2007). Accordingly, we grant the State’s motion, and dismiss the appeal.

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<sup>1</sup>This Court has recognized one exception to this holding, specifically where a court erroneously determines that amendments to § 8-507 of the Health-General Article, enacted subsequent to a defendant’s imprisonment, preclude the court “from committing [the defendant] pursuant to [the statute] until he attain[s] parole eligibility.” *Hill v. State*, 247 Md. App. 377, 389 (2020). In the instant matter, the circuit court did not make any such ruling.

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