

Circuit Court for Baltimore County
Case No.: C-03-CR-20-001924

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 325

September Term, 2022

JOSHUA ERIC PATTERSON

v.

STATE OF MARYLAND

Kehoe,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),
JJ.

PER CURIAM

Filed: September 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.

In June 2020, Joshua Eric Patterson, appellant, was arrested and charged with two counts of first-degree rape and other related offenses. He is currently scheduled for trial on those charges in the Circuit Court for Baltimore County in November 2022. Appellant was initially released to Level 2 supervision pending trial, with a special condition that he comply with DOC Home Detention requirements and have no contact with the victim. After his release, however, he was arrested and charged with first-degree rape, attempted murder, and other related offenses against a different victim. The State filed a petition to revoke his bail in this case. Following a hearing, the court revoked his bail, and ordered him held without bond until trial.

In March 2022, appellant, acting *pro se*, filed a motion seeking an immediate bail review pursuant to Maryland Rule 4-216. The court denied that motion without a hearing. Appellant then filed an appeal from that order.¹ However, review of the denial of bail is obtained by first filing a petition for writ of habeas corpus and then filing an application for leave to appeal if the petition for writ of habeas corpus is denied. Md. Code Ann., Cts. & Jud. Proc. § 3-707; Maryland Rule 8-204. Here, appellant did not first petition for a writ of habeas corpus following the denial of his motion for bail review. Consequently, the appeal must be dismissed. The dismissal of this case is without prejudice to the right of

¹ The State requests that we dismiss the appeal as not allowed by law on the grounds that person aggrieved by a court's decision not to issue a writ of habeas corpus sought for the purpose of determining the right to bail must obtain review in this Court by way of an application for leave to appeal. However, a review of the record indicates that appellant is appealing from an order denying a motion seeking immediate bail review rather than the denial of a petition for writ of habeas corpus.

appellant to file an application for leave to appeal following the denial of a petition for writ of habeas corpus filed in a separate circuit court action.

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