

Circuit Court for Dorchester County
Case Nos. 09-K-12-014615, -17, -19,
-21, -22, -23, -24, -25

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0778

September Term, 2025

TAVONTE ORLANDZO JOHNSON

v.

STATE OF MARYLAND

Wells,
Nazarian,
Harrell, Glenn T. Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.

Filed: June 26, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Tavonte Orlando Johnson appeals from an order of the Circuit Court for Dorchester County denying his “Petition for Civil Commitment to the Department of Health and Mental Hygiene for Treatment Pursuant to § 8-505 and § 8-507 of the Health General Article.” Unfortunately, such a denial is generally not appealable, and his case does not fall into a recognized, narrow exception to that non-appealability, so we dismiss the appeal.

I. BACKGROUND

In 2012, Mr. Johnson pleaded guilty to and was sentenced for a host of burglary and theft charges. In April 2025, Mr. Johnson filed a “Petition for Civil Commitment to the Department of Health and Mental Hygiene for Treatment Pursuant to § 8-505 and § 8-507 of the Health General Article.” The State didn’t respond. In May, the Circuit Court for Dorchester County denied the petition in a marginal order that stated “DENIED.” Mr. Johnson noted this appeal within thirty days of the denial.

II. DISCUSSION

Mr. Johnson seeks to raise a host of issues in his informal brief. Unfortunately, none of them is properly before us because we lack jurisdiction to hear his appeal.

The right to appeal, for the most part, arises by statute. *Mayor & City Council of Balt. v. ProVen Mgmt., Inc.*, 472 Md. 642, 665 (2021) (In most cases, “appellate jurisdiction ‘is determined entirely by statute,’ and therefore, a right of appeal only exists to the extent it has been ‘legislatively granted.’” (*quoting Gisriel v. Ocean City Bd. of Supervisors of Elections*, 345 Md. 477, 485 (1997))). In general, a party can appeal only from a final judgment, save for certain narrow exceptions. Md. Code (1974, 2020 Repl.

Vol., 2025 Cum. Supp.), § 12-301 of the Courts & Judicial Proceedings Article. A jurisdictionally improper appeal must be dismissed. *See* Md. Rule 8-602(b)(1).

A denial of a petition for civil commitment under Md. Code (2000, 2023 Repl. Vol., 2025 Cum. Supp.), § 8-507 of the Health – General Article (“HG”) is generally unappealable. *See Fuller v. State*, 397 Md. 372, 380–95 (2007) (denial of petition is neither appealable as a final judgment nor falls into any exceptions to the final judgment rule). Mr. Johnson raises in his informal brief a narrow exception to that non-appealability that we recognized in another case. In *Hill v. State*, 247 Md. App. 377 (2020), we discussed how the General Assembly amended HG § 8-507 in 2018 to provide a strict bar to granting a petition if the petitioner was convicted of a crime of violence unless the petitioner had reached eligibility for parole. *Hill*, 247 Md. App. at 381–82; *see also* HG § 8-507(a)(2)(i) (the barring provision). In *Hill*, we recognized that applying that bar retroactively would violate the constitutional prohibition on *ex post facto* laws. 247 Md. App. at 399–402. Mr. Johnson asserts that because he was convicted before the amendment, any denial of his petition must have been due to the circuit court erroneously applying the HG § 8-507(a)(2)(i) bar just like in *Hill*.

Mr. Johnson is correct about the first assertion but wrong about the second. He was indeed arrested and convicted before adoption of the amendment. But the record doesn’t indicate that the circuit court denied his petition under HG § 8-507(a)(2)(i). Although extremely short, the denial doesn’t mention that provision at all. It’s more likely that the circuit court exercised instead its otherwise unreviewable discretion to deny Mr. Johnson’s

petition on its merits. Absent proof that the court was applying HG § 8-507(a)(2)(i) (wrongfully), the denial isn't appealable and we have no jurisdiction to hear Mr. Johnson's arguments. *See Fuller*, 397 Md. at 395; *Hill*, 247 Md. App. at 399–402. And we don't read legal errors not visible in the record into the circuit court's decision. *Cf. State v. Chaney*, 375 Md. 168, 179–84 (2003) (judges are presumed to know and apply the law). We must, therefore, dismiss this appeal. *See* Md. Rule 8-602(b)(1).

**APPEAL DISMISSED. APPELLANT TO
PAY COSTS.**