

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1158

September Term, 2023

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AYINDE DELEON

v.

STATE OF MARYLAND

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Nazarian,  
Reed,  
Sharer, J. Frederick  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: April 5, 2024

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a 2007 jury trial in the Circuit Court for Anne Arundel County, Ayinde DeLeon, appellant, was convicted of first-degree assault and conspiracy to commit first-degree murder. He ultimately received an aggregate sentence of 30 years' imprisonment, with all but 11 ½ years suspended, followed by five years of probation.<sup>1</sup>

After appellant was released from custody, but while he was still on probation, he was convicted in the United States District Court for the District of Maryland of one count of racketeering conspiracy and one count of conspiracy to distribute controlled substances. In 2019, the Federal Court sentenced him to concurrent terms of 15 years' imprisonment on each count. Because of the federal charges, a bench warrant was issued for appellant's arrest for violating his probation. Following a violation of probation hearing, at which appellant admitted the violation, the court ordered him to serve an aggregate of 15 years of previously suspended time, beginning on May 1, 2017, to run concurrent with his federal sentence. Because of that sentence, a detainer was lodged with the Federal Bureau of Prisons requesting that appellant be returned to Maryland custody upon the completion of his federal sentence.

In 2023 appellant filed a "Sworn Motion to Dismiss Detainer," requesting the circuit court to dismiss the detainer because he believed that with "good time credits" he would complete his Maryland sentence before his federal sentence. He further alleged that the detainer was having "negative effects on the manner in which [his] federal sentence is

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<sup>1</sup> The court originally imposed a sentence of 30 years' imprisonment, with all but 13 years suspended, followed by five years of probation. However, the court granted appellant's motion for modification of sentence in 2013 and reduced the suspended portion of his sentence to 11 ½ years.

served[,]” specifically that it rendered him ineligible to participate in work release and the Residential Drug Abuse Program and that it unnecessarily increased his security classification. The court denied the motion without a hearing. This appeal followed. On appeal, appellant contends that the court abused its discretion in denying his motion without providing an explanation of its reasons for doing so. The State has moved to dismiss the appeal as not allowed by law. For that reasons that follow, we shall grant the motion to dismiss the appeal.

Appellant’s motion did not contend that the underlying detainer should not have been issued or that he was being unlawfully held because of the detainer. Rather, he requested the court to exercise its discretion to dismiss the detainer because it was negatively affecting his security classification and his eligibility for certain programs. Appellant, however, cites to no authority authorizing such a motion.<sup>2</sup> And we are aware of none. For that reason alone, the circuit court did not err in denying the motion. Moreover, in our view, appellant is not entitled to pursue a direct appeal from a proceeding unauthorized by law. “In Maryland, criminal defendants do not have a constitutional right to appeal. Instead, the right to seek appellate review is statutory; the Legislature can provide for, or preclude it.” *Douglas v. State*, 423 Md. 156, 170 (2011) (cleaned up). Section 12-301 of the Courts & Judicial Proceedings Article provides, with exceptions not here pertinent, that “a party may appeal from a final judgment entered in a civil or criminal

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<sup>2</sup> Although Maryland is a party to the Interstate Agreement on Detainers, its provisions do not apply as appellant’s detainer is not for an “untried” criminal offense. *See* Corr. Servs. Art. § 8-405(a).

case by a circuit court.” “A final judgment is one that either determines and concludes the rights of the parties involved or denies a party the means to prosecute or defend his or her rights and interests in the subject matter of the proceeding.” *Douglas*, 423 Md. at 171 (cleaned up).<sup>3</sup>

The motion appellant filed in this case is not recognized by law in a criminal case. Its denial, therefore, does not constitute a final judgment, and is not, therefore appealable. If we were to hold that the denial of this motion was appealable, then litigants who invent their own method of litigation unauthorized by law would then create for themselves greater appellate rights than litigants who follow extant law and procedure. That cannot be the law. Consequently, pursuant to Maryland Rule 8-602, we dismiss this appeal.

**MOTION TO DISMISS APPEAL  
GRANTED. COSTS TO BE PAID BY  
APPELLANT.**

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<sup>3</sup> There are three exceptions to the final judgment rule: “(1) appeals from interlocutory orders specifically allowed by statute; (2) immediate appeals permitted when a circuit court enters final judgment under Maryland Rule 2-602(b); and (3) appeals from interlocutory rulings allowed under the common law collateral order doctrine.” *In re O.P.*, 470 Md. 225, 250 (2020) (footnote omitted). In our view, the denial of appellant’s motions does not meet the requirements of any of these exceptions.