

Circuit Court for Baltimore County
Case No. 03-K-86-000622

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1537

September Term, 2023

RAYMOND EDWARD GILL

v.

STATE OF MARYLAND

Zic,
Tang,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 29, 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.

Raymond Edward Gill, appellant, appeals from the denial, by the Circuit Court for Baltimore County, of a “motion to dismiss with prejudice.” For the reasons that follow, we shall dismiss the appeal.

On August 11, 1986, Mr. Gill pleaded guilty to robbery with a dangerous and deadly weapon. The court subsequently sentenced Mr. Gill to a term of twenty years’ imprisonment. From March 18, 2015, to February 28, 2023, Mr. Gill filed six petitions for writ of error coram nobis. The court denied all of the petitions.

On April 20, 2023, Mr. Gill filed a seventh petition for writ of error coram nobis. On April 25, 2023, the court denied the petition. On May 9, 2023, the State, for reasons that are not clear from the record, filed a motion for extension of time to file an answer to the petition. On June 2, 2023, the court issued an order in which it granted the State “an extension until sixty (60) days prior to a scheduled hearing to file” an answer.

On August 24, 2023, Mr. Gill filed the “motion to dismiss with prejudice,” in which he contended that the State had “failed to respond” to the court’s order. The court treated the motion as a “Motion to Dismiss State’s Extension to [F]ile Response,” and denied the motion.

Mr. Gill now appeals from the court’s denial of the motion, and requests that we “vacate the State judgment.” (Quotations omitted.) The State moves to dismiss the appeal on the grounds that the “present appeal was not timely noted,” Mr. Gill “noted the present appeal from a non-appealable order,” and the “appeal is moot.” Alternatively, the State requests that we affirm the judgment.

It is not clear from Mr. Gill’s brief whether he challenges the court’s denial of a “motion to dismiss State’s extension to file response” or the denial of the “motion to dismiss with prejudice.” If Mr. Gill challenges the denial of a “motion to dismiss State’s extension to file response,” the record clearly reflects that the petition which the State wished to answer was dismissed on April 25, 2023. Hence, any answer by the State, and any challenge by Mr. Gill to the State’s delay in filing that answer, is moot. If Mr. Gill challenges the denial of the “motion to dismiss with prejudice,” he does not cite any authority that empowered him to file such a motion, required the court to entertain such a motion, or renders the denial of such a motion a final and appealable judgment. Accordingly, we grant the State’s motion, and dismiss the appeal.

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