

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1728

September Term, 2022

KENT M. BELL

v.

STATE OF MARYLAND

Wells, C.J.,
Leahy,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 31, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 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.

Following a 2013 jury trial in the Circuit Court for Montgomery County, Kent M. Bell, appellant, was convicted of child sexual abuse, second-degree sexual offense and two counts of third-degree sexual offense. This Court affirmed his convictions on direct appeal. *Bell v. State*, No. 1150, Sept. Term 2013 (filed Jan. 21, 2015).

In August 2022, appellant filed an untitled motion raising a number of conclusory claims with respect to his convictions. Specifically, he asserted that the indictment had been defective, that the victim had perjured herself, that the prosecution was motivated by “malice,” and that he had been the victim of an “obvious miscarriage of justice.” The circuit court denied the motion without a hearing. On appeal, appellant raises the same claims that he raised in his motion with respect to the indictment and the testimony of the victim. He also contends that the arrest warrant in his case was “procured by fraud.” 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 cites to no authority authorizing the motion he filed in the circuit court. And we are aware of none. For that reason alone, the circuit court did not err in denying appellant’s 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 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).¹

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 the 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.²

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

¹ 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 motion does not meet the requirements of any of these exceptions.

² Nothing in this opinion is meant to comment on the merits, *vel non*, of appellant’s contentions or prejudice appellant’s ability to pursue the relief he seeks through existing lawful mechanisms.