

Circuit Court for Anne Arundel County
Case No.: C-02-CR-22-001623

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1782

September Term, 2023

SHAUNESI Y. DEBERRY

v.

STATE OF MARYLAND,

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

JJ.

PER CURIAM

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 jury trial in the Circuit Court for Anne Arundel County, Shaunesi Y. DeBerry, appellant, was convicted of second-degree assault. In March 2023, the court sentenced DeBerry to three years’ incarceration, all but time served suspended, followed by three years’ probation. In an opinion filed contemporaneously with this one, this Court affirmed her conviction and sentence on direct appeal. *DeBerry v. State*, Nos. 114, 774, & 1526, Sept. Term, 2023.

In November and December 2023, DeBerry filed a series of motions in this criminal case, all of which the court denied,¹ including:

- A “Motion for Access to Letter of Unaccompanied Minor from State of Maryland and Anne Arundel County Department of Social Service[;]”
- A “Motion for Clarity on Removal and Appearance of State’s Attorney[;]”
- A “Motion for [the] State’s Attorney’s Office to Only Use Address on Record for Any and All Correspondence[;]”
- A “Motion for Clarity on November 3, 2023, Order[;]” and
- A “Motion to Retrieve All Written District Court Transcripts[.]”

DeBerry cites to no authority authorizing the motions she filed in the circuit court. And we are aware of none.² For that reason alone, the circuit court did not err in denying DeBerry’s motions. Moreover, in our view, DeBerry is not entitled to pursue a direct appeal

¹ This appeal encompasses 5 notices of appeal filed between November 8 and December 5, 2023. The notices DeBerry has filed since then have been docketed in Case No. 2201, Sept. Term, 2023, which is still proceeding in this Court.

² In her brief, DeBerry seems to suggest that 45 C.F.R. § 400.116 authorized her “Motion for Access to Letter of Unaccompanied Minor[.]” That particular Federal Regulation concerns unaccompanied minors entering the United States as refugees and is wholly inapplicable to this state criminal case.

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).³

The motions DeBerry filed in this case are not recognized by law in a criminal case. Their denial, therefore, does not constitute a final judgment, and so, is not appealable. If the denial of these motions 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 so. Consequently, under Maryland Rule 8-602(b)(1), we dismiss this appeal.

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.

³ 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 DeBerry’s motions does not meet the requirements of any of these exceptions.