

Circuit Court for Montgomery County
Case No. 124345C

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1971

September Term, 2024

KENNETH ADOLPHUS HINTON

v.

STATE OF MARYLAND

Nazarian,
Arthur,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 11, 2025

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

Kenneth Adolphus Hinton,¹ appellant, appeals from the following judgments by the Circuit Court for Montgomery County:

- The denial of a “Motion for Appropriate Relief ‘Belatedly’ Pursuant to MD Rule 4-215(e), et seq.” (hereinafter “motion for appropriate relief”).
- The denial of a “Motion for an Evidentiary & Show Cause Hearing as to Why the Petitioner/Defendant Was ‘Never’ Arrested or Criminally Processed Prior to Being Prosecuted, Convicted, and Sentenced” (hereinafter “motion for hearing”).
- The denial of a “Motion/Request for Order of Default Regarding the Office of the State’s Attorney Failure to Respond to Petitioner’s Writ of Actual Innocence Petition Within 90 Days After Receipt” (hereinafter “motion for order of default”).
- The denial of an application for review of sentence.
- The denial of a petition for post-conviction relief.
- The denial of a “Motion/Request to Consolidate . . . Motion to Re-Open Post-Conviction Proceedings With . . . Petition of Writ of Actual Innocence” (hereinafter “motion to consolidate”).
- The dismissal of an “Amended Petition for a Writ of Actual Innocence.”
- The denial of a “2nd Amendment to Motion to Re-Open Closed Post-Conviction Petition and Request for Prompt Hearing” (hereinafter “amended motion to re-open”).
- The denial of a “Motion for an Evidentiary Hearing on Motion/Petition to Reopen Closed Post-Conviction” (hereinafter “motion for evidentiary hearing”).

¹“Following an August 2015 jury trial in the circuit court, Mr. Hinton, . . . representing himself, was convicted of theft scheme of at least \$1,000 but less than \$10,000 and 26 counts of perjury by affidavit.” *Hinton v. State*, No. 134, Sept. Term 2024 (filed January 14, 2025), slip op. at 1 (internal citation, quotations, and brackets omitted). “On November 12, 2015, the court sentenced Mr. Hinton to a total term of imprisonment of sixty years for the convictions of perjury, and a consecutive term of imprisonment of ten years for the conviction of theft scheme, for a total term of imprisonment of seventy years.” *Id.*

- The denial of a request for hearings on numerous pleadings (hereinafter “request for hearings”).

Mr. Hinton contends that, for numerous reasons, the court erred in denying or dismissing the pleadings. The State moves to dismiss the appeal on the ground that it is “not allowed by law.” Alternatively, the State requests that we affirm the judgments of the circuit court.

With respect to all of the judgments except the denial of the application for review of sentence and dismissal of the amended petition for writ of actual innocence, we agree with the State that dismissal is required. With respect to the denials of the motion for appropriate relief, motion for hearing, motion for order of default, and request for hearings, Mr. Hinton does not cite any authority that classifies any of these judgments as a final judgment from which he may appeal. *See* Md. Code (1974, 2020 Repl. Vol., 2024 Supp.), § 12-301 of the Courts & Judicial Proceedings Article (generally, “a party may appeal from [only] a final judgment entered in a civil or criminal case by a circuit court”). With respect to the denials of the petition for post-conviction relief, motion to consolidate, amended motion to reopen, and motion for evidentiary hearing, Md. Code (2001, 2018 Repl. Vol., 2024 Supp.), § 7-109 of the Criminal Procedure Article, states that “a person aggrieved by the order” of a court in a post-conviction proceeding must seek review of the order not by appeal, but by application to this Court for leave to appeal. Accordingly, we grant the State’s motion in part and dismiss the appeal with respect to these judgments.

With respect to the denial of the application for review of sentence, the court noted that Mr. Hinton previously filed such an application on November 20, 2015, and that the

application was denied on December 29, 2015. The court denied the second application “as untimely filed” pursuant to Rule 4-344(a) (an application for review of sentence “shall be filed in the sentencing court within 30 days after the imposition of sentence”). Mr. Hinton does not cite any authority that authorizes him to file a second application for review of sentence more than 30 days after the imposition of sentence, and hence, the court did not err in denying the application.

With respect to the dismissal of the amended petition for writ of actual innocence, the court, in denying the petition, found that “(1) the Amended Petition fails to assert grounds on which relief may be granted, (2) the Amended Petition fails to distinguish the newly discovered evidence claimed in the Amended Petition from any claims made in prior petitions, and (3) the claims asserted in the Amended Petition are essentially the same as the claims heard and decided on July 15, 2022.” Mr. Hinton does not specify any evidence contrary to the court’s findings, and hence, the court did not err in dismissing the petition.

**APPEAL DISMISSED IN PART.
JUDGMENTS OF THE CIRCUIT COURT
FOR MONTGOMERY DENYING
APPLICATION FOR REVIEW OF
SENTENCE AND DISMISSING AMENDED
PETITION FOR WRIT OF ACTUAL
INNOCENCE AFFIRMED. COSTS TO BE
PAID BY APPELLANT.**