

COURT OF APPEALS OF MARYLAND

Lopez-Sanchez v. State, 388 Md. 214

879 A.2d 695 (2005) · No. No. 43, September Term, 2004 · Decided July 28, 2005

SUMMARY

The Maryland Court of Appeals held that a victim of a juvenile delinquent act was not a party to the delinquency proceeding and therefore had no general statutory right to appeal under Maryland's general appeal statute. The court also held that the statutory appellate remedy available to victims of certain crimes did not extend to victims of delinquent acts. Although the court recognized that the victim was denied notice and an opportunity to be heard regarding restitution, it concluded that any additional appellate right had to come from the Legislature.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Raker, J.; Bell, C.J.; Wilner, J.; Cathell, J.; Harrell, J.; Battaglia, J.; Lawrence F. Rodowsky, J. (Retired, specially assigned)
JURISDICTION	Maryland
DECIDED	July 28, 2005
DOCKET	No. 43, September Term, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	The victim of a juvenile delinquent act sought reconsideration of a restitution consent order entered without notice or an opportunity to be heard. After the circuit court denied reconsideration for lack of standing, the Court of Special Appeals dismissed the victim's appeal. The Court of Appeals affirmed.
STANDARD OF REVIEW	De novo review of the legal question whether a crime victim has a statutory right to appeal and standing to seek reconsideration in a juvenile delinquency proceeding.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Oscar Antonio Lopez-Sanchez v. State of Maryland, DeShawn C.

TOPICS

- appellate procedure
- appellate jurisdiction
- criminal procedure
- statutory interpretation
- restitution criminal

PRACTICE AREAS

appellate procedure

criminal procedure

juvenile law

victims' rights

restitution

QUESTIONS PRESENTED

1. Whether a victim of a juvenile delinquent act may appeal the denial of statutory victim rights under Maryland's general appeal statute.
2. Whether a victim of a juvenile delinquent act is a party to the delinquency proceeding or otherwise has a right to appeal the denial of restitution-related rights.
3. Whether Maryland Criminal Procedure Article § 11-103 grants victims of delinquent acts a limited right to seek leave to appeal.

HOLDINGS

1. A victim of a juvenile delinquent act is not a party to the delinquency proceeding and therefore does not have the general right to appeal from a final judgment under Maryland Courts and Judicial Proceedings Article § 12-301.
2. Maryland Criminal Procedure Article § 11-103 does not grant a victim of a delinquent act the right to file an application for leave to appeal.
3. Any right of a victim of a delinquent act to appeal or seek leave to appeal must originate from the General Assembly, not from judicial enlargement of the statutory right to appeal.

KEY QUOTATIONS

“The right to appeal in Maryland is wholly statutory.” (388 Md. at 224)

“The victim is not a party to the proceeding and acts only as a witness, although vested with statutory and constitutional rights to restitution.” (388 Md. at 226-227)

“Any right of the victim to appeal, or to file an application for leave to appeal, must originate from the General Assembly, not from this Court.” (388 Md. at 230)

FACTUAL BACKGROUND

On February 29, 2000, DeShawn C. shot Lopez-Sanchez in the back, causing permanent paralysis from the chest down. DeShawn was adjudicated delinquent for attempted murder, assault, and related offenses. Lopez-Sanchez requested restitution and a restitution hearing, but the State and DeShawn negotiated a \$4,427.50 consent order covering medical expenses without notifying him or including his claimed lost wages. After learning of the order, Lopez-Sanchez moved for reconsideration and sought additional restitution.

PROCEDURAL HISTORY

DeShawn C. was adjudicated delinquent after shooting Lopez-Sanchez. The juvenile court later entered a \$4,427.50 restitution consent order negotiated by the State and DeShawn without notifying Lopez-Sanchez, who moved for reconsideration and requested additional restitution. The circuit court denied the motion because

Lopez-Sanchez was not a party. The Court of Special Appeals dismissed his appeal, and the Court of Appeals granted certiorari.

DISPOSITION

affirmed

CASES CITED

- Pack Shack v. Howard County, 371 Md. 243, 247, 808 A.2d 795, 797 (2002)
- Cianos v. State, 338 Md. 406, 410-11, 659 A.2d 291, 293 (1995)
- Lopez-Sanchez v. State, 155 Md. App. 580, 843 A.2d 915 (2004)
- Baltimore Sun v. Mayor & City Council of Baltimore, 359 Md. 653, 665, 755 A.2d 1130, 1137 (2000)
- Baltimore Sun Co. v. State, 340 Md. 437, 447, 667 A.2d 166, 171 (1995)
- Baltimore Sun v. Colbert, 323 Md. 290, 297-98, 593 A.2d 224, 227 (1991)
- Buzbee v. Journal Newspapers, 297 Md. 68, 76, 465 A.2d 426, 431 (1983)
- News American v. State, 294 Md. 30, 40-41, 447 A.2d 1264, 1269-70 (1982)
- Matter of Anderson, 272 Md. 85, 91-92, 321 A.2d 516, 519-20 (1974)
- Karr v. Shirk, 142 Md. 118, 121, 120 A. 248, 249 (1923)
- Preston v. Poe, 116 Md. 1, 6, 81 A. 178, 179 (1911)
- Hall v. Jack, 32 Md. 253, 263 (1870)
- In re Winship, 397 U.S. 358, 364 (1970)
- In re Gault, 387 U.S. 1, 27-59 (1967)
- Grey v. Allstate, 363 Md. 445, 462, 769 A.2d 891, 901 (2001)