

KWAME ASAFO-ADJEI

v.

STATE OF MARYLAND

* **IN THE**
* **COURT OF APPEALS**
* **OF MARYLAND**
* **COA-PET-0349-2018**
* **CSA-ALA-1041-2018**
* **(No. C-02-CR-17-001798, Circuit
Court for Anne Arundel County)**

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals and the supplement filed thereto, in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition and the supplement be, and they are hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Mary Ellen Barbera

Chief Judge

DATE: December 14, 2018

B

Circuit Court for Anne Arundel County
Case No. C-02-CR-17-001798

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

Application for Leave to Appeal

No. 1041

September Term, 2018

GUILTY PLEA

KWAME ASAFO-ADJEI

v.

STATE OF MARYLAND

Nazarian,
Beachley,
Thieme, Raymond G., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 4, 2018

On December 1, 2017, in the Circuit Court for Anne Arundel County, Kwame Asafo-Adjei pleaded guilty to conspiracy to commit Medicaid fraud. On June 6, 2018, he was sentenced to five years' imprisonment, with all but 30 days suspended, to be followed by a five-year term of supervised probation. On July 16, 2018, Mr. Asafo-Ajei filed a "notice of appeal" in the circuit court, which was treated as an application for leave to appeal. The circuit court then issued an order directing Mr. Asafo-Adjei to show cause why the application for leave to appeal should not be stricken as untimely, given that it was filed ten days late. *See* Md. Rule 8-204(b)(2) ("the application shall be filed within 30 days after entry of the judgment or order from which the appeal is sought"). After Mr. Asafo-Adjei responded to the show cause order, the circuit court allowed the case to proceed and accordingly, transferred the record to this Court.

Having reviewed the record, we hereby dismiss the appeal for lack of jurisdiction. As noted, Rule 8-204(b)(2) provides that an application for leave to appeal "shall be filed within 30 days after entry of the judgment or order from which the appeal is sought." Rule 1-204(a) provides that a court "may not shorten or extend the time for filing" an application for leave to appeal." In *Keys v. State*, 195 Md. App. 19, 27-28 (2010), this Court observed that the 30-day time period in which to file an application for leave to appeal is jurisdictional and if the application is not filed within that time period, the appellate court acquires no jurisdiction and the appeal must be dismissed. Because the application for

leave to appeal in this case was filed 40 days after the judgment was entered, we have no jurisdiction to consider it.

**APPLICATION FOR LEAVE TO APPEAL
DISMISSED. COSTS TO BE PAID BY
APPLICANT.**

C

STATE OF MARYLAND

Plaintiff

v.

KWAME ASAFO-ADJEI

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* ANNE ARUNDEL COUNTY
* CASE NO.: C-02-CR-17-001798

* * * * *

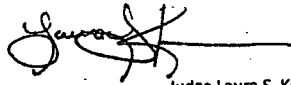
ORDER

The Court is in receipt of Defendant's Application for Leave to Appeal, docketed July 16th, 2018, and Defendant's Response to the Show Cause Order, docketed July 26, 2018. Upon review of the file, it is this 21st day of August, 2018, by the Circuit Court for Anne Arundel County, hereby

ORDERED, Defendant's Application for Leave to Appeal is **GRANTED**.

Signed: 8/21/2018 10:22 AM

DATE



Judge Laura S. Kiessler

JUDGE LAURA S. KIESSLING

Entered: Clerk, Circuit Court for
Anne Arundel County, MD
August 21, 2018

TRUE COPY
TEST: Robert Duckworth, Clerk
By: W.J.G. Deputy

**Additional material
from this filing is
available in the
Clerk's Office.**