

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2025

September Term, 2015

---

ALTIMONT WILKS

v.

STATE OF MARYLAND

---

Krauser, C.J.,  
Nazarian,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: November 1, 2016

\*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.

Altimont Wilks, appellant, appeals, *pro se*, the denial by the Circuit Court for Frederick County of his petition for a writ of habeas corpus. The State moves to dismiss the appeal because it is not allowed by law. We agree that the appeal must be dismissed.

Maryland Code (1974, 2013 Repl. Vol.), Courts and Judicial Proceedings Article, § 12-301, which generally authorizes an “appeal from a final judgment entered in a civil or criminal case,” does not apply to habeas corpus petitions. *Gluckstern v. Sutton*, 319 Md. 634, 652 (1990). “An appeal may be taken from a final order in a habeas corpus case only where specifically authorized by statute.” *Id.* Where a habeas corpus petitioner is challenging the legality of his conviction, as Wilks does here, the circuit court’s denial of relief is not appealable. *See Green v. Hutchinson*, 158 Md. App. 168, 174 (where the arguments in support of habeas corpus relief “went directly to the legality of [the petitioner’s] convictions,” there was no right to appeal the circuit court’s order denying relief), *cert. denied*, 383 Md. 212 (2004).

Wilks’s petition for a writ of habeas corpus did not raise any issue that would provide a statutory right to appeal. *See Green*, 158 Md. App. at 172-73 (discussing the statutory provisions that allow for an appeal from the denial of a petition for habeas corpus relief). His claim of ineffective assistance of counsel goes “directly to the legality” of his convictions, *id.* at 174, as does his claim that this Court improperly declined to address an issue raised in his direct appeal. Accordingly, his appeal from the denial of his petition for habeas corpus relief is not allowed by law.

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