

Circuit Court for Baltimore County  
Case No. 03-K-95-000865

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 362

September Term, 2022

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GEORGE M. BROWN

v.

STATE OF MARYLAND

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

JJ.

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PER CURIAM

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Filed: October 28, 2022

\*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.

George M. Brown, appellant, contends that the Circuit Court for Baltimore County erred in denying his petition for writ of habeas corpus. For the reasons that follow, we shall affirm the judgment of the circuit court.

We recount some of the pertinent facts from our previous opinion in Mr. Brown’s case:

On June 15, 1995, [Mr.] Brown . . . pleaded guilty to robbery in the Circuit Court for Baltimore [County] and was sentenced to ten years['] imprisonment. On March 8, 2000, [Mr. Brown] escaped from the Department of Corrections in Hagerstown, with time left to serve on his sentence. [Mr. Brown] fled to Florida, where he committed more crimes, for which he was allegedly arrested March 28. The State’s Attorney for Washington County then charged [Mr. Brown] with escape.

On March 29, 2001, [Mr. Brown] was convicted of his Florida crimes and sentenced to life as a violent career criminal pursuant to Florida law. On December 31, 2002, the State’s Attorney for Washington County *nolle prossed* the Maryland escape charge.

On July 16, 2007, [Mr. Brown], while imprisoned in Florida, filed a petition for writ of *habeas corpus* in the Circuit Court for Baltimore County. In his petition [Mr. Brown] sought credit against his Maryland sentence for the time he served in Florida after Maryland lodged an active warrant or detainer against him in Florida. In addition, he requested extradition to Maryland to serve the remaining portion of his sentence, once credit had been given. The circuit court denied [Mr. Brown’s] petition because “no basis for relief [was] stated.”

*Brown v. State*, No. 1261, September Term, 2007 (filed July 7, 2008), slip op. at 1-2 (footnote omitted).

On appeal, Mr. Brown “challenge[d] that judgment, arguing that the *habeas* court erred because Maryland’s detainer effectively ‘re-started the clock’ on his Maryland sentence even though he was still serving his Florida sentence.” *Id.* at 2. Affirming the judgment, we stated:

In *Calp v. Warden*, 216 Md. 629 (1958), the Court of Appeals rejected a comparable claim for credit on time served in another jurisdiction. Like [Mr. Brown], Calp escaped from a Maryland prison, then committed a crime in another state, Virginia. He was convicted and incarcerated in Virginia, but later returned to Maryland as the result of a detainer. The Court held that Calp “did not start to serve the remainder of his Maryland sentences until he was returned here, and the detainer did not become effective until then.” *Id.* at 631. Thus, Calp was not entitled to credit for the time he served in Virginia between the time the detainer was lodged and his return to Maryland. *See id.*

For the foregoing reasons, we shall affirm the judgment.

*Brown*, slip op. at 5.

In February 2022, Mr. Brown, who is still imprisoned in Florida, filed another petition for writ of habeas corpus, in which he again requested that the court “direct the Maryland Division of Correction[s] to grant [him credit] for all time served from the date of [his arrest] in the State of Florida,” “[o]rder that [he] be discharged from the Maryland Division of Corrections,” and “remove the detainer lodged against” him. The court denied the petition.

Mr. Brown now contends that, for numerous reasons, the court erred in denying the petition. We disagree. The Court of Appeals has stated that the “doctrine of res judicata bars the relitigation of a claim if there is a final judgment in a previous litigation where the parties, the subject matter[,] and causes of action are identical or substantially identical as to issues actually litigated and as to those which could have or should have been raised in the previous litigation.” *Board of Ed v. Norville*, 390 Md. 93, 106-07 (2005). Here, the parties, subject matter, and causes of action cited within the February 2022 petition are identical or substantially identical as to issues actually litigated in the July 2007 petition, and any issues raised for the first time in the February 2022 petition could have, and should

have, been raised in the July 2007 petition. The relitigation of the claims in the July 2007 petition is barred by the doctrine of res judicata, and hence, the court did not err in denying the February 2022 petition.

**JUDGMENT OF THE CIRCUIT COURT  
FOR BALTIMORE COUNTY AFFIRMED.  
COSTS TO BE PAID BY APPELLANT.**