

Circuit Court for Montgomery County  
Case No.: 133838C

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 896

September Term, 2021

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DANIEL BECKWITT

v.

STATE OF MARYLAND

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Graeff,  
Ripken,  
Wright, Alexander, Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 25, 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.

In 2019, Daniel Beckwitt, appellant, was tried before a jury in the Circuit Court for Montgomery County and found guilty of second-degree murder and involuntary manslaughter. The court sentenced him to a total term of 21 years’ imprisonment, with all but nine years suspended. On direct appeal, this Court reversed the conviction for second-degree murder and affirmed the conviction for involuntary manslaughter. *Beckwitt v. State*, 249 Md. App. 333 (January 28, 2021). The Court of Appeals granted Mr. Beckwitt’s petition for writ of certiorari and the State’s cross petition, 474 Md. 720 (June 22, 2021). *See Beckwitt v. State*, No. 16, September Term, 2021.

On June 29, 2021, after certiorari was granted, Mr. Beckwitt, through counsel, filed a motion for release pending the outcome of the appeal pending before the Court of Appeals. The State opposed the motion and on August 3, 2021, the court summarily denied Mr. Beckwitt’s request for release. On August 16, 2021, Mr. Beckwitt, representing himself, filed a notice of appeal from that order, which was docketed in this Court as a direct appeal—the matter presently before us.

The State moves to dismiss Mr. Beckwitt’s notice of appeal because the proper course of seeking appellate review of the court’s denial of his release was not followed in this case. The State maintains that the “mechanism for challenging a denial of bail is to file a petition for writ of habeas corpus.” The State is correct.

“In Maryland a convicted defendant has no right to bail pending appeal.” *Hurley v. State*, 59 Md. App. 323, 327 (1984), *cert. denied*, 302 Md. 409 (1985). But a trial court, in its discretion, may release a defendant pending exhaustion of appellate review subject to certain conditions. *Id.*; Rule 4-349. “Whether the trial judge abused his [or her]

discretion in denying post-conviction bail pending appeal is a question that may be determined by way of a petition for habeas corpus.” *Hurley*, at 327 (citations omitted). If a habeas petition is denied, the petitioner may then file a timely application for leave to appeal. Courts & Judicial Proceedings § 3-707. Consequently, Mr. Beckwitt’s appeal is not properly before us and must be dismissed. Moreover, on January 28, 2022, the Court of Appeals filed an opinion affirming this Court’s judgment in the case and, therefore, Mr. Beckwitt’s request for release pending the outcome of that appeal is now moot.

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