

Circuit Court for Baltimore City
Case No.: 24-H-21-000902

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1033

September Term, 2021

RODNEY HARRIS

v.

DEBORA DARDEN, ACTING WARDEN

Reed,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 21, 2021

*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, appellant Rodney Harris was convicted by a jury in the Circuit Court for Baltimore City of manslaughter, first-degree assault, and second-degree assault, and was sentenced by the court to a total term of 35 years’ imprisonment. Upon direct appeal, Mr. Harris argued—and the State conceded based on *Kazadi v. State*, 467 Md. 1 (2020)—that the trial court had erred in failing to ask the prospective jurors whether they were unwilling or unable to comply with jury instructions on the presumption of innocence, the State’s burden of proof, and the defendant’s right to testify. *Harris v. State*, No. 2383, September Term, 2019 (Md. App. June 3, 2021), slip op. at 1. This Court agreed that the court had erred by failing to ask those requested questions, and we reversed the convictions and remanded for a new trial. *Id.*¹

On July 22, 2021, Mr. Harris, representing himself, filed a paper in the circuit court which he captioned “Habeas Corpus to Vacate the Manslaughter Charge.” The pleading was docketed as a petition for writ of habeas corpus and assigned a case number distinct from the criminal case.

In his pleading, Mr. Harris argued that the manslaughter charge in his criminal case should be struck from the indictment because the facts and “science” did not support the charge.² He also attacked the autopsy report that had been prepared by David Fowler, the Chief Medical Examiner, claiming that Dr. Fowler’s credibility had been questioned. The

¹ The docket entries indicate that Mr. Harris’s retrial is currently pending.

² The charges arose after Mr. Harris assaulted his girlfriend, who was six months pregnant at the time. It appears that, as a result of the injuries sustained by the victim, she lost the baby. The manslaughter charge is based on the baby’s death. *Harris v. State*, No. 2383, September Term, 2019 (Md. App. June 3, 2021), slip op. at 2.

habeas court determined that Mr. Harris was “not entitled to any relief” and denied the petition. Mr. Harris appeals that decision.

We shall affirm the judgment. We discern no error in the habeas court’s denial of relief. Any challenges Mr. Harris may have to the manslaughter charge are for the criminal court to address if, and when, he is retried on that count.

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