

Circuit Court for Baltimore City
Case No. 24-H-17-000032

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1584

September Term, 2017

HERBERT CRAWFORD

v.

WARDEN OF BALTIMORE CITY
DETENTION CENTER

Woodward, C.J.,
Fader,
Zarnoch, Robert, A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 1, 2018

*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.

Herbert Crawford, appellant, appeals the denial, by the Circuit Court for Baltimore City, of his petition for writ of habeas corpus. In response, the State filed a motion to dismiss the appeal as not permitted by law. We grant the State’s motion to dismiss the appeal.

In 1998 a jury convicted Crawford of first-degree murder, use of a handgun in the commission of a crime of violence, and conspiracy to commit murder. This Court affirmed his murder conviction on direct appeal but found that the evidence was insufficient to sustain his convictions for use of a handgun in the commission of a crime of violence and conspiracy to commit murder. *See Crawford v. State*, Sept. Term 1998, No. 1776 (filed Sept. 8, 1999).

In 2017, Crawford filed a petition for writ of habeas corpus, contending that this Court’s opinion had brought into question the validity of his first-degree murder conviction because the trial court’s failure to grant his motion for judgment of acquittal on the handgun and conspiracy charges might have affected the jury’s verdict on the first-degree murder charge. The circuit court denied Crawford’s petition without a hearing, finding that a petition for writ of habeas corpus was “not the proper vehicle for [his] request” and that, in any event, his claim lacked merit.

“Although the right to seek a writ of habeas corpus is constitutionally protected, the right to an *appeal* from the disposition of the habeas corpus petition is not.” *Simms v. Shearin*, 221 Md. App. 460, 469 (2015) (emphasis in original). “An appeal may be taken from a final order in a habeas corpus case only where specifically authorized by statute.” *Gluckstern v. Sutton*, 319 Md. 634, 652 (1990) (citations omitted). The only possible statute

that would apply in this case is Section 7-107 of the Criminal Procedure Article. However, that statute only authorizes appeals in habeas corpus cases “when the petitioner challenge[s] the legality of his confinement based on collateral post-trial influences and not the legality of the underlying conviction or sentence, and where the [Uniform Post-Conviction Procedure Act does] not otherwise provide a remedy.” *Simms*, 221 Md. App. at 473. Because the claim raised in Crawford’s habeas petition attacks the legality of his conviction, the denial of that petition is not appealable. Consequently, the appeal must be dismissed.

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