

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 391

September Term, 2016

RODERICK HAYES

v.

WARDEN, EASTERN CORRECTIONAL
INSTITUTE, *et al.*

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

JJ.

PER CURIAM

Filed: June 6, 2017

*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.

Roderick Hayes, appellant, appeals the denial, by the Circuit Court for Howard County, of his petition for a 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 his petition for habeas corpus relief, Hayes challenged the validity of his 2010 convictions for felony theft and various firearms offenses – convictions that were rendered following a jury trial and affirmed on direct appeal. *See Hayes v. State*, No. 442, Sept. Term 2010 (filed May 4, 2012). As grounds for habeas corpus relief, Hayes claimed that the trial court violated his double jeopardy rights by imposing separate sentences for each conviction and that he had received ineffective assistance of post-conviction counsel. The circuit court denied the petition without a hearing.

An appeal may not be taken from the denial of a habeas corpus petition challenging the legality of a conviction. *See Gluckstern v. Sutton*, 319 Md. 634, 652-653 (1990) (noting that an appeal of a decision on a petition for habeas corpus relief is permitted only where authorized by statute and no statute permits an appeal where the challenge is to the legality of the conviction); *Green v. Hutchinson*, 158 Md. App. 168, 174 (2004) (holding that where the arguments in support of habeas relief “went directly to the legality of [the petitioner’s] convictions,” there was no right to appeal the circuit court’s order denying relief). Because Hayes’ habeas petition only challenged the legality of his convictions, the appeal must be dismissed.

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