

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2192

September Term, 2024

PATRICK HENRY BUSH

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: July 23, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Patrick Henry Bush, appellant, appeals from the denial, by the Circuit Court for St. Mary’s County, of his petition for writ of habeas corpus. In response, the State has filed a motion to dismiss the appeal as not permitted by law. For the reasons that follow, we shall grant the State’s motion to dismiss the appeal.

Following a 2017 bench trial, appellant was convicted of first-degree murder, second-degree murder, armed robbery and theft of between \$10,000 and \$100,000. In 2024, he filed a petition for writ of habeas corpus in the Supreme Court of Maryland. The Supreme Court then referred the petition to the administrative judge for St. Mary’s County pursuant to Rule 15-303(c). In the petition, appellant claimed that his conviction was unlawful because his trial had been postponed beyond 180 days without a finding of good cause. He further contended that this violated Maryland Rule 4-271, and his right to a Speedy Trial under the Sixth Amendment, and therefore, that the court had lacked jurisdiction to convict him and impose a sentence. The circuit court denied appellant’s petition without a hearing, noting that he had “raised nearly identical claims all founded on the same premise in a previous appeal, a prior petition for post-conviction relief, a previous petition for writ of habeas corpus, and multiple post-conviction motions” and that in each instance those claims had been rejected. This appeal followed.

“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). “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). 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 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 all the claims raised in appellant’s habeas petition attacked the legality of his conviction and sentence, the denial of that petition is not appealable. *See Green v. Hutchinson*, 158 Md. App. 168, 174 (2004) (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). Consequently, the appeal must be dismissed.

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