

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1616

September Term, 2015

CLARK RASHEED McKNIGHT

v.

FRANK BISHOP, WARDEN

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

JJ.

PER CURIAM

Filed: October 31, 2016

*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.

Clark Rasheed McKnight, appellant, appeals the denial, by the Circuit Court for Prince George’s County, of his petition for a writ of habeas corpus. The State has filed a motion to dismiss the appeal because it is not permitted by law. We grant the State’s motion to dismiss the appeal.

In his petition for habeas corpus relief, McKnight challenged the validity of his 2013 convictions for first-degree premeditated murder and armed robbery – convictions that were rendered following a jury trial and affirmed on direct appeal. *See McKnight v. State*, No. 679, Sept. Term 2013 (Md.App. Aug. 4, 2014). As grounds for habeas corpus relief, McKnight claimed, as he did on direct appeal, that: (1) the trial court violated Maryland Rule 4-215(e), by not inquiring into his reasons for discharging counsel, and (2) his charges should have been dismissed because, on the date his trial was postponed beyond the 180 day deadline set forth in Maryland Rule 4-271, more than one administrative judge had the authority to grant postponements which, he claimed, violated 16-101(d)(3)(ii). The circuit court found no merit to these claims and denied McKnight’s 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).

Consequently, McKnight’s appeal must be dismissed.

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