

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 508

September Term, 2016

LARNELL HENDRICK

v.

FRANK B. BISHOP, JR., ET AL.

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

JJ.

PER CURIAM

Filed: May 3, 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.

From the denial, by the Circuit Court for Anne Arundel County, of his petition for a writ of habeas corpus, Larnell Hendrick noted this appeal, which for the reasons set forth below, we shall dismiss as not allowed by law.

After he was convicted in 1994 of first-degree murder, the Anne Arundel County circuit court sentenced Hendrick to life imprisonment. When Hendrick, on appeal, challenged the sufficiency of the evidence supporting his conviction, this Court held that the evidence was sufficient and affirmed. *Hendrick v. State*, No. 941, September Term, 1995 (filed March 28, 1996). The Court of Appeals then denied Hendrick’s petition for a writ of certiorari. *Hendrick v. State*, 342 Md. 583 (1996).

In 2016, Hendrick filed a petition for a writ of habeas corpus in which he challenged his conviction for murder on the grounds that he was “denied a fair trial” and because the lawyers representing him at trial, on appeal, and in subsequent post-conviction proceedings, failed to provide him with effective assistance of counsel. The circuit court denied the petition, without a hearing.

A habeas corpus proceeding is a method by which an individual may challenge the legality of his confinement or restraint. *See* Section 3-702(a) of the Courts & Judicial Proceedings Article of the Maryland Code (1973, 2013 Repl.Vol.). Hendrick is not being held illegally as the sentence he is serving is lawful. Accordingly, the circuit court did not err in denying his petition nor did it abuse its discretion in doing so without a hearing. *See Nance v. Warden*, 189 Md. 112, 116 (1947) (“It is incumbent upon a petitioner to allege facts entitling him to [habeas corpus] relief before he is entitled to a hearing.”). Moreover, because Hendrick is challenging the legality of his conviction, the court’s denial of his

petition is not an appealable judgment. *See Green v. Hutchinson*, 158 Md. App. 168, 174-175 (holding that where the arguments in support of habeas corpus relief “went directly to the legality of [the petitioner’s] convictions,” there was no right to appeal the circuit court’s order denying relief), *cert. denied*, 383 Md. 212 (2004); *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).

**APPEAL DISMISSED. COSTS TO BE PAID
BY APPELLANT.**