

Circuit Court for Baltimore City
Case No. 24-H-16-000134

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2158

September Term, 2016

WALI S.A.J. AQUIL

v.

WARDEN, ROXBURY CORRECTIONAL
INSTITUTION

Nazarian,
Shaw Geter,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Eyler, J.

Filed: October 30, 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.

Wali S.A.J. Aquil, appellant, is serving a life sentence for first-degree murder. In 2016, he filed a petition for a writ of habeas corpus in the Circuit Court for Baltimore City in which he attacked the legality of his conviction. The circuit court found that the allegations raised by Aquil were not cognizable in a petition for a writ of habeas corpus, and, accordingly, denied his request for habeas corpus relief. Aquil appeals that decision.

Where a habeas corpus petitioner is challenging the legality of his conviction, as Aquil does here, the circuit court’s denial of relief is not an appealable judgment. *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 (stating 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), *cert. denied*, 383 Md. 212 (2004).

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