

Circuit Courts for Howard, Baltimore, and Montgomery Counties  
Case No. 13-K-16-057343, 03-K-16-005686, and 133109C

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

Nos. 108, 215, and 666

September Term, 2024

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EDWARD LAWRENCE HANCOCK

v.

STATE OF MARYLAND

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Arthur,  
Friedman,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 4, 2024

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

Edward Lawrence Hancock,<sup>1</sup> appellant, appeals from the denials, by the Circuit Courts for Howard, Baltimore, and Montgomery Counties, of petitions for writ of habeas corpus. For the reasons that follow, we shall affirm the judgments of the circuit courts.

**In the Circuit Court for Howard County**

On December 14, 2016, Mr. Hancock was charged by indictment with robbery and related offenses. On May 4, 2017, Mr. Hancock pleaded guilty to robbery. On August 2, 2018, the court sentenced Mr. Hancock to a term of imprisonment of 25 years, to begin on November 15, 2016, and to run concurrently with any other outstanding or unserved sentence. The court subsequently issued a commitment order that states that Mr. Hancock is “[n]ot eligible for parole.”

**In the Circuit Court for Baltimore County**

On November 14, 2016, Mr. Hancock was charged by indictment with armed robbery and related offenses. On January 30, 2018, Mr. Hancock pleaded guilty to armed robbery. The court sentenced Mr. Hancock to a term of imprisonment of 25 years, to begin on October 21, 2016, and to run concurrently with any other outstanding or unserved sentence. The court subsequently issued a commitment order that states that Mr. Hancock is “[i]neligible for parole.”

**In the Circuit Court for Montgomery County**

On May 8, 2018, Mr. Hancock was convicted by a jury of robbery. On August 8, 2018, the court sentenced Mr. Hancock to a term of imprisonment of 25 years, to run

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<sup>1</sup>In the record, Mr. Hancock is also identified as Edward Lawrence Hancock, Jr.

consecutively to the sentence that Mr. Hancock was then serving, and to be served without parole. The court subsequently issued a commitment order that states that its sentence is to be served “without the possibility of parole.”

### **The Petitions for Writ of Habeas Corpus**

On December 14, 2023, Mr. Hancock filed in the Supreme Court of Maryland three identical petitions for writ of habeas corpus. The petitions are confusing, but Mr. Hancock appeared to contend that, for numerous reasons, he is being improperly denied diminution credits toward conditional release, and that Md. Code (1999, 2017 Repl. Vol, 2023 Supp.), § 7-501(b) of the Correctional Services Article (“CS”) (“[a]n incarcerated individual convicted of a violent crime committed on or after October 1, 2009, is not eligible for a conditional release under this section until after the incarcerated individual becomes eligible for parole”) is impermissibly ambiguous and unconstitutional. The Court referred the petitions to the administrative judges of the circuit courts.

### **The denials of the petitions**

The Circuit Court for Howard County denied Mr. Hancock’s petition in that court without prejudice, stating: “Upon review, it appears that [the] Petition does not comply with Maryland Rule 15-302 in that it is not supported by affidavit of the Petitioner. The only attestation made under the penalties of perjury and based on personal knowledge is found under the heading of Certificate of Service and Filing and contain[s] no reference to the statements made in the Petition.” The Circuit Court for Baltimore County, the Honorable Garret P. Glennon presiding, and the Circuit Court for Montgomery County denied Mr. Hancock’s petitions.

### Contentions and analysis

Mr. Hancock’s briefs, like his petitions, are confusing, but he appears to again contend that, for numerous reasons, he is being improperly denied diminution credits toward conditional release, and that CS § 7-501(b) is impermissibly ambiguous and unconstitutional. But, Mr. Hancock does not dispute the conclusion of the Circuit Court for Howard County that his petition in that court was not supported by affidavit as required by Rule 15-302(a) (a “petition for a writ of habeas corpus shall be supported by affidavit of the petitioner”), and Mr. Hancock’s petitions in the other circuit courts are equally deficient. Mr. Hancock also failed to include in the petitions, as required by Rule 15-302(b), a statement “to the best of [his] knowledge, information, and belief . . . whether any previous petition for habeas corpus or other post conviction relief has been filed with respect to the confinement.” Furthermore, Mr. Hancock does not cite any authority in which a court has found CS § 7-501(b) unconstitutional, ambiguous, or to require the award of diminution credits to incarcerated individuals who are ineligible for parole. On the contrary, we have stated that “the plain language of [CS § ] 7–501(b) dictates that [an incarcerated individual] is not eligible for release on mandatory supervision until he becomes eligible for parole,” and when that individual does “not become eligible for parole until his maximum expiration date,” his “diminution credits [may] not be applied to reduce his term of confinement.” *Ali v. DPSCS*, 230 Md. App. 682, 698-99 (2016). Hence, the courts did not err in denying Mr. Hancock’s petitions.

With respect to the denial of Mr. Hancock’s petition in the Circuit Court for Baltimore County, Mr. Hancock raises an additional contention: that Judge Glennon “was

prohibited from . . . ruling upon” the petition because he was formerly employed by the Office of the State’s Attorney for Baltimore County. But, the authority cited by Mr. Hancock has never been interpreted to disqualify a judge from presiding in a criminal case due solely to previous employment as a prosecutor. On the contrary, Rule 18-102.11(a)(5)(B) states that a judge who has previously “served in governmental employment” is disqualified from presiding in a proceeding by virtue of that employment only when “in such capacity,” the judge “participated personally and substantially as an attorney or public official concerning the proceeding, or . . . publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy.” Here, Mr. Hancock does not specify any evidence that Judge Glennon, as a prosecutor, participated personally and substantially in Mr. Hancock’s case in the Circuit Court for Baltimore County, or publicly expressed in that capacity an opinion concerning the merits of that case. Hence, the court did not err in assigning Mr. Hancock’s petition to Judge Glennon for resolution.

**JUDGMENTS OF THE CIRCUIT COURTS  
FOR HOWARD, BALTIMORE, AND  
MONTGOMERY COUNTIES AFFIRMED.  
COSTS TO BE PAID BY APPELLANT.**