IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 752

September Term, 2016

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RICKY MOBLEY-EL

v.

STATE OF MARYLAND

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

JJ.

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PER CURIAM

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Filed: May 4, 2017

In 1995, Ricky Mobley-El, appellant, was convicted of carjacking, armed robbery, and use of a handgun during a crime of violence following a not guilty plea, upon an agreed statement of facts, in the Circuit Court for Howard County. Thereafter, the trial court imposed an aggregate sentence of thirty-five years' imprisonment. In 2016, appellant filed a Petition for Writ of Audita Querela, seeking to prevent "the further enforcement of his criminal case, conviction, and sentence" because, he claimed, he was suffering "continual violations of [his] inmate rights" while in custody. The circuit court denied his petition without a hearing. Appellant raises three issues on appeal that are reducible to one: whether the circuit court erred in denying his petition for Writ of Audita Querela. For the reasons that follow, we affirm.

In *Miles v. State*, this Court recounted the history of the Writ of Audita Querela in Maryland, noting that it "has never been applied in a criminal court in this state" and that "[e]ven on the civil side [the Writ], if it were ever alive, has been dead in Maryland since at least 1852." *Miles*, 141 Md. App. at 405-406. We went on to state: "Our holding is unequivocal. The Writ of Audita Querela is dead. It has been dead for a long time." Because the Writ of Audita Querela was not available in appellant's criminal case, the circuit court did not err in denying his petition.

JUDGMENT OF THE CIRCUIT COURT FOR HOWARD COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.