

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

Nos. 2689/2690

September Term, 2015

JAMES WILLIAMS, JR.

v.

SUSAN RICE

Woodward, C.J.,
Kehoe,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 31, 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.

In the Circuit Court for Charles County, James Williams, Jr., appellant, filed two petitions for a writ of habeas corpus, challenging two separate convictions for traffic violations. Along with the petition in each case, he submitted a request for waiver of prepaid court costs, which the court denied. Williams now appeals from those rulings.

The State has moved to dismiss the appeal as moot. We agree that the appeal must be dismissed.

A habeas corpus proceeding is a method by which an individual may challenge the legality of his confinement or restraint. *See* Md. Code (1974, 2013 Repl. Vol.), Courts and Judicial Proceedings Article, § 3–702(a).¹ Consequently, “habeas corpus remedies are available only if the defendant is in custody or subject to consideration of parole or probation.” *Fairbanks v. State*, 331 Md. 482, 492, n.3 (1993) (citation omitted). *See also Parker v. State*, 160 Md. App. 672, 684 (2005) (stating that the remedy of habeas corpus “appl[ies] only to persons who are ‘confined under sentence of [] imprisonment’ or who are ‘on parole or probation.’” (citation omitted)).

It appears from the record before us that Williams is not in custody, and that the probationary periods associated with the sentences that he received in each case have expired. Therefore, the circuit court no longer has jurisdiction to grant habeas corpus relief. Accordingly, the issue of whether the court abused its discretion in denying Williams’s requests to waive costs in the habeas corpus actions that he filed is moot. *See Phillips v.*

¹ That statute provides that “[a] person committed, detained, confined, or restrained from his lawful liberty within the State for any alleged offense or under any color or pretense or any person in his behalf, may petition for the writ of habeas corpus to the end that the cause of the commitment, detainer, confinement, or restraint may be inquired into.”

State, 451 Md. 180, 193 (2017) (“A case is moot when there is no longer any existing controversy between the parties at the time that the case is before the [C]ourt, or when the [C]ourt can no longer fashion an effective remedy.” (citations omitted)). As this Court “does not issue advisory opinions, . . . moot cases are generally dismissed “without a decision on the merits.” *Id.* (citations omitted).

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