

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2920

September Term, 2015

FRANKIE L. McCOY

v.

WARDEN, MARYLAND CORRECTIONAL
INSTITUTION - JESSUP

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.

In 1984, appellant Frankie McCoy, pleaded guilty, in the Circuit Court for Baltimore City, to two counts of assault with intent to murder and two counts of use of a handgun in the commission of a crime of violence. McCoy had shot his estranged wife and his mother-in-law. The circuit court subsequently sentenced McCoy to a term of thirty years' imprisonment for the assault with intent to murder his wife, and to a consecutive term of ten years' for the handgun offense related to the assault on his wife. It then sentenced McCoy to a term of thirty years' imprisonment for the assault with intent to murder his mother-in-law, and to a consecutive term of ten years' for the handgun offense associated with that crime. The latter sentences were to run consecutively to the sentences for the crimes involving McCoy's wife. Because all of the sentences were ordered to run consecutively, the total term of imprisonment is eighty years.

In 2015, McCoy filed a petition for a writ of habeas corpus in which he alleged that he was being detained illegally. He claimed that he had “fully served” his sentence because, in his view, the sentences were ordered to run concurrently with each other. He also claimed that his guilty plea was not valid because the nature of the offense of “assault with intent to murder” was not adequately explained to him. He further asserted that his sentences violated the Double Jeopardy Clause of the United States Constitution and that the court failed to merge his sentences in violation of “Maryland’s merger law, the rule of lenity, and fundamental fairness.”

After the circuit court denied the McCoy's petition and subsequent motion for reconsideration of that decision, he noted this appeal. We affirm. Based on our review of the record, including the transcripts of the plea and sentencing hearings, it is clear that

McCoy’s contention that he is being held illegally has no merit. Accordingly, we hold that the circuit court did not err in denying McCoy’s petition for a writ of habeas corpus.¹

**JUDGMENT OF THE CIRCUIT COURT FOR
BALTIMORE CITY AFFIRMED. COSTS TO BE
PAID BY APPELLANT.**

¹ To the extent that McCoy may be challenging the legality of his convictions, we note that the circuit court’s denial of relief is not appealable. *Gluckstern v. Sutton*, 319 Md. 634, 652-653 (1990) (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 (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).