

Circuit Court for Washington County  
Case No.: C-21-CV-24-000470

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 260

September Term, 2025

---

IN THE MATTER OF CHRISTOPHER  
MCCANN

---

Berger,  
Shaw,  
Kehoe, Christopher B.  
(Senior Judge, Specially Assigned),

JJ.

---

Opinion by Berger, J.

---

Filed: April 15, 2026

\* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Christopher McCann, appellant, is an inmate in the custody of Maryland’s Division of Correction serving a life prison sentence for the attempted first-degree murder of Alison Kirby, the victim in this case. On November 8, 2024, appellant filed a *pro se* petition for a writ of habeas corpus in the Circuit Court for Washington County challenging certain actions of the Maryland Parole Commission when considering him for release on parole. After holding a hearing on appellant’s petition, the court denied it, and appellant, still acting *pro se*, noted a timely appeal.<sup>1</sup>

For the reasons we shall explain, we shall affirm the judgment of the circuit court denying appellant’s petition for a writ of habeas corpus.

---

<sup>1</sup> On appeal, appellant presents us with the following questions for our review:

1. Did judge misapply Maryland Supreme Court case *Syed v. Lee* (2024)? And did it override all plaintiff’s constitutional rights and sentencing laws?
2. Did judge abuse his discretion by failing to address questions in petition and look at evidence?
3. Did the *Syed* case give the parole board powers not legislatively created and override legislative appeals process[?]

The Maryland Parole Commission, for its part, has framed the questions on appeal as follows:

1. Should the denial of habeas relief be affirmed because [appellant] did not establish that he was entitled to immediate release or to a hearing that could lead to his release?
2. Alternatively, should the denial of habeas relief be affirmed because the Commission acted within its broad statutory authority in rescinding [appellant]’s prior parole decisions upon learning that the victim of his crimes had not been notified of his initial parole hearing?

## BACKGROUND

On May 1, 2006, appellant, who was the subject of a protective order prohibiting him from contacting the victim, viciously attacked her with a knife stabbing her multiple times. She survived the attack. On December 8, 2006, following trial in the Circuit Court for Baltimore County, a jury found him guilty of attempted first-degree murder. On May 2, 2006, the court sentenced him to life imprisonment.<sup>2</sup> Appellant thereafter took a direct appeal to this Court which affirmed his convictions.<sup>3</sup> *McCann v. State*, No. 2393, Sept. Term, 2006 (filed unreported March 17, 2009).

On December 9, 2016, appellant had a parole release determination hearing after which the Parole Commission decided to re-hear his case in 2023. Due to what probably amounted to a clerical error, the victim was not notified of appellant’s 2016 parole hearing, despite that she had, on February 5, 2014, provided a victim notification form to the State’s Attorney’s Office. In any event, on June 1, 2022, the victim provided a victim notification form to the Division of Correction (DOC). As a result, the DOC notified the victim that appellant was scheduled for a parole release determination hearing in 2023. Thereafter, she asked that the Parole Commission conduct an “open” parole hearing in appellant’s case,

---

<sup>2</sup> Appellant elected a bench trial on a count charging him with violating a protective order. The court found him guilty of that offense and sentenced him to 90 days’ imprisonment to be served concurrently to the life sentence.

<sup>3</sup> Appellant has mounted numerous other attacks on his convictions and sentences.

and, on August 13, 2024, such a parole hearing was held.<sup>4</sup> At the conclusion of that hearing, the Parole Commission decided to re-hear appellant’s case in August of 2027.

About two weeks later, on August 28, 2024, the victim, acting through counsel from the Maryland Crime Victim Resource Center, Inc., sent a letter to the Parole Commission explaining that, she learned for the first time, during appellant’s 2024 parole hearing, that that hearing was not, in fact, appellant’s first parole hearing as she had believed and notwithstanding that she had given the State’s Attorney’s Office a crime victim notification form in 2014. In the letter, the victim suggested that the result of the 2016 parole hearing was void due to the lack of victim notification, and therefore, the recently held 2024 hearing should be treated as appellant’s first parole hearing. Specifically, the letter concluded as follows:

Although we can only speculate as to the potential alternate outcome of the 2016 parole hearing, it must be acknowledged that the violation of Ms. Kirby’s right to notice resulted in McCann receiving the benefit of an essentially uncontested first parole hearing. And by all accounts, that advantage is the reason a dangerous, violent man who is barely 18 years into his life sentence for a horrific crime, appears to be on the fast track to release in just 3 short years. This is an unacceptable reality for Ms. Kirby and her loved ones who still live with the scars, both physical and emotional, of McCann’s heinous crimes.

Therefore, we respectfully request that Inmate McCann’s Commission and institutional files be amended to reflect that, based upon the failure to provide his victim advance notice of the 2016 parole hearing, as required by Md. Code Regs. 12.08.02.03(A)(2), the hearing was statutorily

---

<sup>4</sup> Section 7-304 of the Correctional Services Article of the Maryland Code sets the criteria for when hearings are open to the public and the role of victim requests in that process.

invalid. As such, any benefits or considerations provided by virtue of the hearing, as well as any decisions regarding Inmate McCann’s parole status during that hearing are rendered void. Consequently, the parole hearing that took place on August 13, 2024, of which Alison Kirby was properly notified, should be deemed Inmate McCann’s first parole hearing.

After reviewing the matter, on September 12, 2024, the Parole Commission wrote appellant a letter explaining that, due to “an administrative error concerning victim’s notification” it had decided to vacate both the 2016 and the 2024 parole decisions and to schedule a new initial open parole hearing before two parole commissioners who had not previously been involved in considering him for parole. At some point thereafter, the Commission scheduled the new parole hearing for December 18, 2024. On December 3, 2024, appellant sought an indefinite postponement of his scheduled hearing, which, apparently, the Commission granted.

On November 8, 2024, appellant filed his *pro se* petition for a writ of habeas corpus in the Circuit Court for Washington County. In his *pro se* habeas corpus petition, as best as can be discerned, appellant argued that the Parole Commission illegally held against him the fact that he had not been in drug treatment when the Division of Correction had denied him access to such treatment. As a result, according to appellant, the Parole Commission had effectively increased his sentence.

Although it is difficult to decipher, appellant also generally contended that the Parole Commission failed to follow certain procedures which denied him “legislatively created procedure[s] to protect [him] and the public” when the Commission failed to review a parole plan before it decided that he should be considered for parole again in August

2027. According to appellant “If the parole board deviates from or renders a decision without proper consideration of proper criteria it abrogates an inmate’s right to parole eligibility.”

Next, appellant claimed that the Parole Commission illegally vacated the result of his first parole hearing. According to appellant, this was problematic because:

Your initial parole hearing focuses mainly on the crime, subsequent hearings focus on rehabilitation; what have you done since being locked up, programs, vocational training and adjustment history from the time of the last parole hearing. By vacating my 2016 hearing and making me start over negates years of my life and accomplishments as well as alters my sentence to an equivalent of life with no parole.<sup>[5]</sup>

Appellant asked for the following relief in his petition: “1. Reinstatement of [his] 2016 parole decision[;] 2. Hold parole to statutory rules[;] 3. Not hold [the lack of] drug treatment against [him][;] 4. No more retaliation[; and] 5. Any other relief deemed appropriate[.]”

On January 7, 2025, the Parole Commission filed an answer to appellant’s habeas petition, wherein it argued that, because appellant was not seeking immediate release and was not entitled to immediate release, that habeas corpus relief did not lie in this case. In the alternative, the Commission suggested that the habeas corpus petition could be treated as a petition for a writ of mandamus. In that event, the Commission argued that appellant’s

---

<sup>5</sup> Section 7-305 of the Correctional Services Article of the Maryland Code contains a list of factors the Parole Commission is required to consider when making a parole release determination. Among those factors are the circumstances surrounding the crime. Appellant apparently is referencing the fact that, pursuant to COMAR 12.08.01.18A(5)(l) the “circumstances surrounding the crime ... diminish in significance as a consideration after the initial parole hearing[.]”

first two claims were moot because the Commission had already vacated the first two parole hearings and scheduled another one. Alternatively, the Commission argued that it acted within its discretion in vacating the results of both of appellant’s prior parole hearings due to an inadvertent error which led to the victim not being notified of the first hearing.

On January 21, 2025, appellant filed his *pro se* reply to the Parole Commission’s answer wherein he pointed to various perceived inaccuracies in the Commission’s answer, and specifically declined the invitation to treat his habeas petition as a mandamus petition.

On February 28, 2025, after holding a hearing on appellant’s petition, the court denied it from the bench, stating as follows:

When this matter was filed here in Washington County it was filed as a request for administrative review and Mr. McCann clearly by his correspondence said he didn’t want administrative review, he wanted a habeas corpus petition filed and so this was then converted to his request for habeas corpus. And the law with respect to habeas corpus is very limited and it’s up for the Court to determine whether Mr. McCann under that particular request has a right to immediate release and from what I’ve heard today and out of Mr. McCann’s own mouth he is not looking for immediate release. He recognizes that he needs transition and that would occur through the process of parole.

I also based upon the arguments here today believe that Mr. McCann is confused about the sentence that he was given, which is a life sentence, that does not allow for diminution credits until -- that does not allow for diminution credits, but he is entitled to parole hearings.<sup>[6]</sup> Whether parole is granted or not granted is subject to hearings before the Maryland Parole

---

<sup>6</sup> Section 7-301(d) of the Correctional Services Article of the Maryland Code explains, for inmates serving life sentences, how diminution of confinement credits are used in calculating parole eligibility.

Commission which would then perhaps be subject to administrative review.

But as I look at this, I think the Parole Commission really tried to balance everyone's rights here. Ms. Kirby certainly had a right to appear and through no fault of hers she was not given that right. And when it was determined that she had not been given that right to appear she exercised her request and that's when it happened that he didn't get back before the Parole Commission until 2024 at which time she appeared and that's when everybody discovered that in fact she had not been present for the first hearing because she had not been given any notification. So the Parole Commission determined that the only fair way to proceed and again as I [alluded] to earlier in the light of the Adnan Syed case recognizing Ms. Kirby's rights as a victim in this matter she, she was given that right but the Parole Commission because of the Correctional Services Article as modified by the COMAR regulations say that the criteria for first parole hearing is different than the criteria for a second parole hearing. And so, the Parole Commission said, we're just going to negate both of those hearings. We're going to present this matter to Mr. McCann that he gets a new hearing in front of the new Commissioners when he requests it. And based on what I'm hearing today he could request a new parole hearing tomorrow if he wanted to. There's nothing preventing him from doing that and that would not prevent him from having a hearing where Ms. Kirby got to speak and the Commission meeting at that time could make a completely different decision. They could authorize his parole at that time if the Commission found that to be appropriate. And I don't know if there was some issue about not granting release until the youngest child turned 18 that, that appears to be moot at this point.

So, there's nothing to deprive him of requesting a parole hearing and there's nothing to deprive the Commission from granting relief if they found that to be in the interest of everybody involved. That, that's where it is.

So, to that extent the ball's in Mr., Mr. Kirby [sic] to request a hearing and that's where you got to go. You're not entitled to immediate release based upon what I've seen. Administrative release is not something you've requested. It's

not something you want and if I were to even grant a hearing on administrative mandamus, that would prevent you from moving forward before the Parole Commission for some additional period of time. So, based upon the arguments that I've heard here today and for reasons I've just announced here, I do not find you're entitled to immediate release and your request for habeas corpus relief is denied today. Okay? Understand what I said?

MR. MCCANN: I understand.

THE COURT: You understand where you need to go? Hint, hint, hint?

MR. MCCANN: Yes, sir.

THE COURT: Well, I, you know, it sounds to me like you ought to send a letter this afternoon saying, Parole Commissioner I'd like another hearing. I'd like a hearing now in front of different people, okay?

That same day, the court signed an order denying appellant's petition for a writ of habeas corpus for the reasons stated on the record. As noted earlier, appellant noted a timely appeal.<sup>7</sup>

---

<sup>7</sup> In his Reply Brief in this Court, in the process of arguing that the Parole Commission had no intention "of following what they tell the [c]ourts" appellant mentioned that was "why there is a judicial review in Washington County right now because they did [the] same violations again at [his] new [parole] hearing."

We take judicial notice of the docket entries and contents of the court file in case number C-21-CV-25-000387 under which appellant filed for judicial review. A review of the record reveals that, on June 11, 2025, the Parole Commission held a *de novo* parole release determination hearing and decided to re-hear appellant's case again in June of 2028. On July 24, 2025, appellant filed a petition for judicial review of that decision in the Circuit Court for Washington County.

Although the parties do not mention it, arguably the fact that appellant has had another parole hearing renders this case moot. "A question is moot if, at the time it is before the court, there is no longer an existing controversy between the parties, so that there is no longer any effective remedy which the court can provide." *Attorney General v. Anne Arundel County School Bus Contractors Ass'n, Inc.*, 286 Md. 324, 327 (1979).

## DISCUSSION

### Standard of Review

We review a circuit court’s decision on a petition for a writ of habeas corpus under the standard set forth in Maryland Rule 8-131(c), which provides that we will review the case on both the law and the evidence, we will give due regard to the opportunity of the trial court to judge the credibility of the witnesses, and we will not set aside the judgment of the trial court on the evidence unless clearly erroneous. *Bivens v. Clark*, 491 Md. 345, 360 (2025).

### Habeas Corpus Relief

Habeas corpus relief is available only in limited circumstances. Generally, “[h]abeas corpus actions may be maintained where the relief available is the ordering of a proceeding or hearing which may lead to the petitioner’s release.” *Lomax v. Warden*, 356 Md. 569, 575 (1999); *Beckwitt v. State*, 266 Md. App. 251, 263-64 (2025). Even though Maryland’s Supreme Court has “expanded the circumstances under which petitioners may maintain a habeas action to those in which they are entitled to a hearing or proceeding that may lead to their immediate release,” *Id.* at 263, *citing Lomax*, 356 Md. at 575, “habeas petitioners still must assert a possibility of immediate release.” *Id.* at 263-64.

### Analysis

As explained earlier, appellant did not contend before the circuit court that he was entitled to immediate release. Rather, he leveled a variety of complaints about how the Parole Commission handled his parole release determination hearings. In addition, he specifically declined any offer to treat his habeas corpus petition as a petition for a writ of

mandamus wherein, it would have theoretically been possible to address the propriety of the Parole Commissions actions.<sup>8</sup> The circuit court, therefore, correctly determined that appellant was not entitled to habeas corpus relief.

We, therefore, perceive no error on the part of the circuit court.

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

---

<sup>8</sup> In any event, were we to have reviewed this case as a mandamus action, for the reasons the Parole Commission explains in its Brief of Appellee, we would have still affirmed the judgment of the circuit court.