

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0715

September Term, 2011

DANIEL TIMOTHY BRASHEAR

v.

STATE OF MARYLAND

Krauser, C.J.,
Meredith,
Thieme, Raymond G., Jr.
(Retired, Specially Assigned),

JJ.

Opinion by Krauser, C.J.

Filed: October 5, 2015

*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 1991, a jury sitting in the Circuit Court for Prince George’s County found Daniel T. Brashear, appellant, guilty of second-degree murder. The circuit court thereafter sentenced him to a term of thirty years’ imprisonment. Brashear appealed and this Court affirmed. *Daniel Timothy Brashear v. State*, 90 Md. App. 709, *cert. denied*, 328 Md. 92 (1992). His subsequent requests for post-conviction relief were denied.

In 2011, Brashear filed a *pro se* petition for a writ of error coram nobis, which the circuit court denied, after concluding that he was not entitled to such relief, because he was currently serving the sentence he was seeking to vacate. Brashear then noted this appeal. Because the circuit court was correct in so ruling, we affirm.¹ *Skok v. State*, 361 Md. 52, 78-80 (2000) (a *coram nobis* petitioner cannot be incarcerated, or on parole or probation, with respect to the conviction or sentence he or she is challenging).

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

¹ This appeal had been stayed pending the Court of Appeals’ decision in *Kerryann Smith v. State*, No. 47, September Term, 2014. The Court of Appeals filed its decision in the *Smith* case, reported at 443 Md. 572, on July 13, 2015.