

Circuit Court for Baltimore County  
Case No. 03-K-17-002633

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1001

September Term, 2022

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KEITH COURTNEY

v.

STATE OF MARYLAND

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Friedman,  
Albright,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 3, 2023

\*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

\*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.

Keith Courtney, appellant, appeals from the denials, by the Circuit Court for Baltimore County, of what we shall call a “motion for relief” and a petition for writ of habeas corpus. For the reasons that follow, we shall dismiss the appeal.

On November 20, 2017, Mr. Courtney pleaded guilty to first degree assault and second degree assault. Mr. Courtney was subsequently sentenced by the Honorable Dennis M. Robinson, Jr., to a total term of imprisonment of twenty years, all but fifteen years suspended. Following a hearing on April 18, 2022, Judge Robinson modified the total term of imprisonment to 25 years, all but twelve years suspended.

On April 21, 2022, Mr. Courtney sent Judge Robinson a letter in which Mr. Courtney stated, *verbatim*: “I want to respectfully request fairness, unbiased and most important impartialness into my now request into relief with out any ill will as to victim’s relationship with you or my filings because of my lack of trust in this legal process.” Judge Robinson returned the letter to Mr. Courtney with the notation: “Correspondence reviewed; does not appear to request any specific relief from the Court.” On May 29, 2022, Mr. Courtney sent Judge Robinson a second letter, which we shall hereafter call the “motion for relief,” and in which Mr. Courtney stated:

The relief that is requested is [ ]fairness, u[n]bias and most importa[ ]nt impartiality[ ] because of the lack of trust I have for this process.

I thought it was fair to accept a guilty plea not having all evidence and not knowing your real relationship with [the] victims and I see now how unfair everything really was, now I [ ] am still asking to be fair.

On June 2, 2022, the court placed on the letter the following notation: “This letter does not provide a sufficient basis for additional relief. To the extent this motion requests relief, the motion is DENIED.”

On July 1, 2022, Mr. Courtney filed a petition for writ of habeas corpus, in which he contended that his “plea was not knowing or voluntary,” “the plea was breached,” and he “did not know the judge[’]s full relationship with [the] victim at [the] time of the plea or sentencing.” Mr. Courtney requested that his convictions be reversed, that he be allowed to withdraw his guilty plea, and that he “be done with this case.” On July 19, 2022, the court denied the petition. On August 15, 2022, Mr. Courtney filed an “application for leave to appeal” from the court’s order of July 19, 2022. The court apparently treated the application as a notice of appeal.

Mr. Courtney now challenges, on numerous grounds, the denials of the motion for relief and petition for writ of habeas corpus. The State requests dismissal of the appeal of the denial of the motion for relief on the ground of untimeliness. The State further requests dismissal of the appeal of the denial of the petition for writ of habeas corpus on the ground that “it is not permitted by law.”

We agree with the State that the appeal must be dismissed. With respect to the motion for relief, Mr. Courtney does not cite any authority that renders the denial of the motion a final or otherwise appealable judgment. Assuming, *arguendo*, that the denial is a final or otherwise appealable judgment, Mr. Courtney failed to appeal from the judgment within thirty days as required by Rule 8-202(a) (generally, a “notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken”). With

respect to the petition for writ of habeas corpus, Md. Code (2001, 2018 Repl. Vol., 2021 Supp.), § 7-107(b)(1) of the Criminal Procedure Article (“CP”), states that “[i]n a case in which a person challenges the validity of confinement under a sentence of imprisonment by seeking the writ of habeas corpus . . . , a person may not appeal to the” Supreme Court of Maryland<sup>1</sup> or this Court. Here, Mr. Courtney explicitly challenged the validity of his confinement under Judge Robinson’s sentence of imprisonment by seeking a writ of habeas corpus. CP § 7-107(b)(1) prohibits Mr. Courtney from appealing from the denial of the petition, and hence, we dismiss the appeal.

**APPEAL DISMISSED. COSTS TO BE PAID  
BY APPELLANT.**

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<sup>1</sup>At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022. *See, also*, Md. Rule 1-101.1(a) (“From and after December 14, 2022, any reference in these Rules or, in any proceedings before any court of the Maryland Judiciary, any reference in any statute, ordinance, or regulation applicable in Maryland to the Court of Appeals of Maryland shall be deemed to refer to the Supreme Court of Maryland . . .”).