

Circuit Court for Baltimore City
Case No. 201338003

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1169

September Term, 2024

PHILLIP BOSTICK

v.

STATE OF MARYLAND

Berger,
Shaw,
Raker, Irma S.
(Senior Judge, Specially Assigned),

Opinion by Raker, J.

Filed: September 12, 2025

*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).

In this pro se appeal, appellant asks this Court to consider whether the Circuit Court for Baltimore City erred in denying his third petition for writ of error coram nobis.

We find no error and shall affirm.

I.

A jury found appellant guilty of possession with intent to distribute cocaine on August 17, 2002. The court imposed a term of incarceration of 15 years after which appellant engaged in the following post-conviction proceedings related to the conviction.

On April 19, 2002, appellant noted a direct appeal from his conviction which this Court affirmed on July 31, 2003, in an unreported opinion. CSA-REG-506-2002. After submitting the appeal, appellant filed three motions for a new trial which were each denied. He appealed each of these denials and all were affirmed by this Court. CSA-REG-2396-2002 and CSA-REG-2617-2003.

Appellant next filed three petitions for post-conviction relief on the following dates: January 12, 2004, March 5, 2005, and April 14, 2005. The first two petitions were dismissed because of his pending appeal. Appellant's requests for relief in the third petition were denied and appellant filed an Application for Leave to Appeal on April 27, 2006, which this Court denied in January of 2007. CSA-ALA-00479-2006.

Appellant next filed a series of Petitions for Writ of Error Coram Nobis. The court denied the first petition and appellant appealed to this Court. We dismissed the appeal for his failure to file a brief. The court denied his second petition which incorporated the post-conviction court's decision to reject appellant's claims for relief. Appellant appealed that

decision, and this Court dismissed the appeal for failure to file a transcript. ACM-REG-0354-2023. Appellant’s third Petition for Writ of Error Coram Nobis, filed on January 24, 2024, and denied on July 5, 2024, is at issue here.

In appellant’s third Petition for Writ of Error Coram Nobis, he asserts that he faces significant collateral consequences, i.e., that he cannot secure suitable housing, because of his conviction. Appellant argued that his counsel was ineffective at his April 16, 2002, trial; that he faced prosecutorial misconduct; that the post-conviction court committed procedural errors by not considering the notice and demand requirements; and he repeated his assertion that he did not receive a fair trial.

The Circuit Court for Baltimore City issued an order denying this petition without a hearing for the following reasons: (1) that appellant failed to comply with Md. Rule 15-202 by not establishing he faced “significant collateral consequences as a result of the challenged conviction,” (2) that “[p]etitioner’s difficulty finding suitable housing fails to establish the type of consequence required by the Rule,” and (3) each claim raised in the petition was addressed in the circuit court’s memorandum denying Petitioner’s Petition for Post Conviction Relief on April 11, 2006, and may not be relitigated.

Appellant brings this appeal of the coram nobis court’s order.

II.

Appellant asserts that the coram nobis court violated Rule 15-207 by failing to provide factual support for its decision to deny the petition and for failing to address the issues raised in his petition. He asks this Court to reconsider his claims in his petition for

writ of error coram nobis and to reconsider the claims in his petitions for post-conviction relief.

The State argues this Court does not have the authority to grant or deny coram nobis relief and asserts the only claim we may consider is whether the coram nobis court erred in denying appellant’s third petition. The State asserts the circuit court’s ruling should be affirmed because appellant failed to meet the five criteria that make coram nobis available to a petitioner. Appellant’s petition included claims previously resolved and rejected by the post-conviction court and, as such, those claims may not be relitigated in a petition for writ of error coram nobis. The State asserts there has been no intervening change in the law that allows appellant to relitigate the claims raised in the petition, and we should adhere to the principles of waiver and final litigation. The State argues that appellant does not face any unexpected significant collateral consequences as a result of his conviction.

Even if this Court finds he meets the general criteria to consider granting coram nobis relief, the State asserts that appellant’s claim that he cannot find suitable housing is not one that falls under the extreme and extraordinary circumstances that makes coram nobis relief appropriate.

III.

Coram nobis relief is “an extraordinary remedy that is justified only under circumstances compelling such action to achieve justice.” *Graves v. State*, 215 Md. App. 339, 348 (2013). In 2000, the Supreme Court of Maryland in *Skok v. State*, 361 Md. 52, 78 (2000), established the coram nobis remedy “for a convicted person who is not incarcerated

and not on parole or probation, who is suddenly faced with a significant collateral consequence of his or her conviction, and who can legitimately challenge the conviction on constitutional or fundamental grounds.”

The five criteria required for a convicted petitioner to be considered for *coram nobis* relief are as follows: (1) that the grounds for challenging the criminal conviction must be based on constitutional, jurisdictional or fundamental concerns; (2) the “burden of proof is on the *coram nobis* petitioner” to “rebut [the] presumption of regularity [that] attaches to the criminal case”; (3) the “petitioner must be suffering or facing significant collateral consequences from the conviction”; (4) the petitioner must not have waived his or her claims and “[s]imilarly, where an issue has been finally litigated in a prior proceeding, and there are no intervening changes in the applicable law or controlling case law, the issue may not be relitigated in a *coram nobis* action”; and (5) that “one is not entitled to challenge a criminal conviction by a *coram nobis* proceeding if another statutory or common law remedy is then available.” *Id.* at 78-80. If any one of these criteria is not satisfied, *coram nobis* relief is not available. *See Jones v. State*, 445 Md. 324, 338 (2015).

Coram nobis relief is reserved only for extreme cases. In *State v. Rich*, the Supreme Court of Maryland observed as follows:

“Because of the ‘extraordinary’ nature of this remedy, we deem it appropriate for appellate courts to review the *coram nobis* court’s decision to grant or deny the petition for abuse of discretion. However, in determining whether the ultimate disposition of the *coram nobis* court constitutes an abuse of discretion, appellate courts should not disturb the *coram nobis* court’s factual findings unless they are clearly erroneous, while legal determinations shall be reviewed *de novo*.” 454 Md. 448, 470-71 (2017).

Here, appellant fails to meet the first criteria of a petition for writ of coram nobis and does not state a constitutional, jurisdictional, or fundamental ground for challenging his conviction. As the circuit court determined, appellant’s claim that he cannot obtain suitable housing does not fall within the category of a constitutional, jurisdictional, or fundamental grounds.

Appellant fails to meet the third criteria and does not state a significant collateral consequence. What is considered by Maryland jurisprudence to be “significant collateral consequences” is very narrow. The circuit court was correct in noting that appellant’s inability to obtain “‘suitable housing’ fails to establish the type of consequence required by Rule 15-1202 and outlined in *Skok*.” The *Skok* court referred to consequences warranting relief as “serious,” “significant,” or “substantial.” *Skok*, 361 Md. at 77-79, 82. The Maryland Supreme Court has considered as significant collateral consequences deportation proceedings, (*see id.* at 77), the use of a prior conviction to enhance sentencing under recidivist statutes (*see id.*), and the inability to obtain a professional license (*see Smith v. State*, 480 Md. 534, 551 n.5 (2022)). Under Maryland law, appellant’s inability to find what he considers suitable housing is not sufficiently substantial to warrant relief.

Appellant also fails to meet the fourth criteria. As the circuit court determined, “each claim raised by the Petitioner in the present Writ was previously addressed in the Memorandum and Order filed April 11, 2006, which denied Petitioner’s Petition for Post Conviction Relief.” The claims therefore may not be relitigated.

Appellant’s claim fails due to his inability to satisfy all of the *Skok* requirements. We note that, even if appellant had satisfied the *Skok* criteria, relief is still not appropriate.

In *Smith*, the Maryland Supreme Court held that “satisfaction of the *Skok* qualifications does not automatically entitle a petitioner to a writ of error *coram nobis*. [...] It is within the circuit court's discretion to determine whether the petition for writ of error *coram nobis* also presents circumstances compelling such action to achieve justice, as adopted by the *Skok* Court.” *Smith*, 480 Md. at 170. It was within the circuit court’s discretion to conclude that the present case was not extraordinary enough to require *coram nobis* relief. Under the circumstances presented to the circuit court, the court did not abuse its discretion in denying appellant’s petition for writ of error *coram nobis*.

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