

Circuit Court for Baltimore County  
Case Nos.: 03-K-89-002295, 96

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1319

September Term, 2021

---

PAUL HOWARD INSKEEP

v.

STATE OF MARYLAND

---

Nazarian,  
Ripken,  
Wright, Alexander, Jr.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: February 25, 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.

Paul H. Inskeep is serving a life sentence for first-degree rape. In August 2021 he filed a pleading in the Circuit Court for Baltimore County which he captioned “Emergency Petition For Habeas Corpus Relief And Or For Reduction Of Sentence Due To Exposure Risk To Corona Virus.” On October 6, 2021, the circuit court found that Mr. Inskeep is not entitled to habeas relief and that it had no authority to grant the relief he was seeking with regard to “alleged health conditions at the Maryland Correctional Training Center.” Mr. Inskeep then filed a pleading he captioned “Application For Leave To Appeal & Notice Of Appeal From The Order Denying Reduction Of Sentence Due To Exposure Risk To Corona Virus Filed August 12, 2021.” The matter was docketed in this Court as a direct appeal.

On appeal, Mr. Inskeep anticipates that the State will contend that his appeal is not allowed by law. He maintains, however, that this Court does have jurisdiction to consider this matter because he is not challenging the legality of his conviction or sentence, but rather “the Baltimore County Circuit Court’s error and the prison’s and DPSCS’ [Department of Public Safety & Correctional Services’] actions in responding to the COVID-19 pandemic, specifically claiming failure to implement policies recommended by the CDC and WHO violates his constitutional rights placing Inskeep at a heightened risk for contracting COVID-19, due to his age of 78 and compromised immune system.”

The State maintains that Mr. Inskeep’s claim is not cognizable as a petition for writ of habeas corpus, and that the circuit court correctly ruled it had no authority to grant the relief he sought. The State asserts that the “proper vehicle” for Mr. Inskeep’s claim that

the prison failed to adequately protect him from the corona virus is with the Inmate Grievance Commission.

We shall affirm the judgment. We agree with the State that any complaints Mr. Inskeep has regarding the prison’s response to the Covid-19 pandemic should be addressed in the same manner as any other claim regarding conditions in the prison, that is, through the inmate grievance process. Habeas was not the appropriate mechanism. *See State v. McCray*, 267 Md. 111, 130-132 (1972) (and cases cited therein) (“[C]omplaints of prisoners with regard to their treatment by correctional authorities,” including complaints regarding improper or inadequate medical treatment, do “not entitle [a] petitioner to relief under habeas corpus.”).

In addition, given the fact that more than five years has elapsed since Mr. Inskeep was sentenced in 1990, the court did not have the authority to rule on his motion for modification or reduction of his sentence. *See* Md. Rule 4-345(e). But even if it did, such rulings are generally not appealable. *See Hoile v. State*, 404 Md. 591, 615 (2008) (“[T]he denial of a motion to modify a sentence, unless tainted by illegality, fraud, or duress is not appealable.”).

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