

Circuit Court for Montgomery County
Case No: 26190C

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1450

September Term, 2020

CLEVELAND HUGHES

v.

STATE OF MARYLAND

Kehoe,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 4, 2021

*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 1980, while incarcerated in Illinois, Cleveland Hughes, appellant, was brought to Maryland pursuant to the Interstate Agreement on Detainers Act to face charges in Montgomery County. Those charges were dismissed with prejudice on April 28, 1981 because Mr. Hughes was not brought to trial in a timely manner under the provisions of the Act. Then on May 14, 1981, while still in Maryland’s custody, Mr. Hughes was charged with crimes based on different offenses, including first-degree rape, robbery, and daytime housebreaking. Following a trial held in November 1981 in the Circuit Court for Montgomery County, he was convicted of those crimes and sentenced to life imprisonment for first-degree rape and consecutive terms totaling 20 years for the other convictions. This Court affirmed the judgments on direct appeal. *Hughes v. State*, No. 861, September Term, 1982 (filed February 10, 1983).

On direct appeal, Mr. Hughes, among other things, argued that the indictment in this case “should have been dismissed because it was filed as a direct consequence of [his] successful exercise of his rights under the Interstate Agreement on Detainers[,]” which had resulted in the dismissal of the charges for which he had originally been brought to Maryland. In short, he claimed that the filing of the charges in this case was vindictive. The trial court rejected the claim, as did this Court on appeal. *Slip op.* at 2-3 (“[T]he trial court ... found no prosecutorial vindictiveness and we agree.”).

In numerous petitions filed throughout the years, the self-represented Mr. Hughes has argued that the charges in this case should have been dismissed due to alleged violations of the Interstate Agreement on Detainers Act. In February 2021, he filed a motion in which he claimed that the State had violated the “Temporary Custody

Provisions” of the Act by failing to immediately return him to Illinois after the indictment in the other Montgomery County case was dismissed. He requested that the court “implement the sanction” for the violation, which he claimed was “release from custody” or a “lesser sentence” of “a nominal number of Fifty (50) years.” The circuit court denied relief, noting that it had “previously ruled on” the same claim on eleven previous occasions.

On appeal, Mr. Hughes continues to argue that the Interstate Agreement on Detainers Act was violated when the State of Maryland failed to “immediately” return him to the custody of Illinois after the Maryland charges which brought him here were dismissed. The State characterizes Mr. Hughes’ motion as a petition for writ of habeas corpus “or similar” proceeding and cites *Green v. Hutchinson*, 158 Md. App. 168, 174-75 (2004) for the proposition that there is no right to appeal from the denial of a request for habeas relief in this instance. The State, therefore, moves this Court to dismiss the appeal.

We agree with the State that, regardless of how it was captioned, Mr. Hughes’ motion in the circuit court was, in essence, a request for habeas relief. In fact, in 2014 Mr. Hughes filed a petition for writ of habeas corpus in which he raised the same claims he raised in the February 2021 motion. Upon appeal of the circuit court’s denial of the 2014 petition, this Court granted the State’s motion to dismiss the appeal because the ruling was not appealable. *Hughes v. State*, No. 173, September Term, 2015 (filed January 30, 2017). In that decision, we noted that, “in his petition for issuance of *writ of habeas corpus*, [Mr. Hughes] claimed that the Circuit Court for Montgomery County had no jurisdiction to try him because prior to issuing the indictment in this case, he should have been sent back to

Illinois. Therefore, he clearly seeks to challenge the legality of his convictions.” *Slip op.* at 5.

Finding no relevant difference between the 2014 petition and the February 2021 motion, we grant the State’s motion to dismiss this appeal as not allowed by law. The reasons the decision is not appealable were fully addressed by this Court in our 2017 decision, *slip op.* at 3-5, and need not be reiterated here.

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