

Circuit Court for Wicomico County
Case No.: 22-K-09-000037

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1946

September Term, 2021

TYRONE THOMAS CONWAY, JR.

v.

STATE OF MARYLAND

Arthur,
Tang,
Raker, Irma S.
(Senior Judge, Specially Assigned),
JJ.

PER CURIAM

Filed: August 1, 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.

Following a July 2009 trial in the Circuit Court for Wicomico County, a jury found, Tyrone Thomas Conway, Jr., appellant, guilty of attempted second-degree murder and associated offenses. Thereafter, the court sentenced him to 33 years’ imprisonment. We affirmed his convictions on direct appeal. *Conway v. State*, No. 1683, Sept. Term 2009 (filed Oct. 19, 2011).

In 2018, appellant filed a petition for post-conviction relief under the Maryland Uniform Post Conviction Procedure Act, which he amended several times. On January 14, 2022, after holding a hearing on appellant’s petition, the circuit court denied it, in part, by way of a written memorandum opinion and order.¹ On February 10, 2022, appellant, acting *pro se*, noted an appeal from the denial of his petition for post-conviction relief. He subsequently filed a *pro se* brief of appellant.

In its brief, the State has moved to dismiss this appeal as not allowed by law. The State, citing Section 7-109(a) of the Criminal Procedure Article,² points out that a person aggrieved by a post-conviction court’s decision obtains review in this Court via application for leave to appeal filed pursuant to Maryland Rule 8-204.

We agree with the State that, to obtain review in this Court from the denial of his petition for post-conviction relief, appellant was required to file an application for leave to

¹ The post-conviction court granted appellant post-conviction relief in the form of the right to file a belated motion for modification of sentence and a belated application for review of sentence by a three-judge panel.

² Section 7-109(a) of the Criminal Procedure Article, provides: “Within 30 days after the court passes an order in accordance with this subtitle, a person aggrieved by the order, including the Attorney General and a State’s Attorney, may apply to the Court of Special Appeals for leave to appeal the order.”

appeal. Nonetheless, we, in our discretion, have elected to treat collectively appellant's notice of appeal and brief of appellant as an application for leave to appeal. We have also elected to treat the State's brief of appellee as a response to appellant's application.

Having read and considered the foregoing mentioned papers, appellant's application for leave to appeal is hereby denied.

**APPLICATION FOR LEAVE TO
APPEAL DENIED. COSTS TO BE
PAID BY APPELLANT.**