

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2803

September Term, 2015

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MICHAEL DORSEY, JR.

v.

J. PHILLIP MORGAN, WARDEN

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Krauser, C.J.,  
Nazarian,  
Moylan, Charles E. Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 6, 2017

\*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.

Michael Dorsey, Jr. appeals the denial, by the Circuit Court for Montgomery County, of his petition for a writ of habeas corpus. In response, the State filed a motion to dismiss the appeal as not permitted by law. We grant the State’s motion to dismiss the appeal.

In his petition for habeas corpus relief, Dorsey challenged the validity of his 2013 convictions for various theft-related offenses – convictions that were rendered following five separate jury trials and affirmed on direct appeal. *See Dorsey v. State*, No. 422, Sept. Term 2013 (Md. App. May 12, 2014). As grounds for habeas corpus relief, Dorsey claimed, as he did on direct appeal, that the trial court had violated Maryland Rule 4-215(a), by allowing him to discharge his appointed counsel without ensuring that he had received a copy of the indictment and informing him of the nature of the charges against him and the possible penalties that he could receive. The circuit court found no merit to these claims and denied Dorsey’s petition without a hearing.

An appeal may not be taken from the denial of a habeas corpus petition challenging the legality of a conviction. *See Gluckstern v. Sutton*, 319 Md. 634, 652-653 (1990) (noting that an appeal of a decision on a petition for habeas corpus relief is permitted only where authorized by statute and no statute permits an appeal where the challenge is to the legality of the conviction); *Green v. Hutchinson*, 158 Md. App. 168, 174 (2004) (holding that where the arguments in support of habeas relief “went directly to the legality of [the petitioner’s]

convictions,” there was no right to appeal the circuit court’s order denying relief).  
Consequently, Dorsey’s appeal must be dismissed.

**APPELLEE’S MOTION TO DISMISS  
APPEAL GRANTED. COSTS TO BE PAID  
BY APPELLANT.**