

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER CONCERNING
PETITIONS FOR A WRIT OF HABEAS CORPUS
FILED IN THE COURT OF APPEALS

WHEREAS, Maryland Code (2020 Repl. Vol.), § 3-701, et seq. of the Courts & Judicial Proceedings Article (“CJP”) and Rule 15-301 et seq. of the Maryland Rules authorize a judge of the Court of Appeals to grant a petition for a writ of habeas corpus and to exercise jurisdiction in all matters pertaining to habeas corpus, and

WHEREAS, pursuant to CJP § 3-702(b) and Rule 15-303(a) & (c), a judge of the Court of Appeals who is presented with a petition for a writ of habeas corpus on behalf of a person confined or restrained as a result of a prior judicial proceeding is to refer that petition to the administrative judge of the court in which the prior proceeding was held, if the judge of the Court of Appeals does not otherwise act on the petition, and

WHEREAS, adjudication of a petition for a writ of habeas corpus may require an inquiry into factual circumstances concerning the petitioner’s restraint or confinement, and

WHEREAS, pursuant to CJP § 3-707, if a judge of a circuit court refuses to issue a writ of habeas corpus under Rule 15-303(b) relating to the petitioner’s right to bail, the petitioner may apply to the Court of Special Appeals for leave to appeal that determination, and

WHEREAS, on occasion an individual submits a petition for a writ of habeas corpus to the Court of Appeals, but not directed to any individual judge, by submitting the petition to the Clerk of the Court of Appeals, and

WHEREAS, it has been the practice of the Court of Appeals to have a petition for a writ of habeas corpus that is submitted to the Court, but not to any individual judge, referred by the Clerk to the administrative judge of the court in which the prior proceeding

resulting in the petitioner's restraint or confinement was held, without taking any other action on the application, it is this 21st day of October 2021,

ORDERED, that, consistent with past practice, a copy of a petition for writ of habeas corpus filed with the Court of Appeals, but not directed to any individual judge, shall be distributed to the members of the Court,

ORDERED, that, consistent with past practice, ten days after distribution of the petition to the Court, unless otherwise ordered by the Court, the Clerk shall refer a petition for a writ of habeas corpus filed with the Court of Appeals, but not directed to any individual judge, to the administrative judge of the court in which the prior proceeding was held, and it is further

ORDERED, that, if a petition filed with the Court of Appeals is, in substance, an effort by the petitioner to appeal a decision by a judge of a circuit court under Rule 15-303(b) relating to the petitioner's right to bail, the filing shall be transferred, pursuant to Rule 8-132 to the Court of Special Appeals, to be treated as an application for leave to appeal under CJP § 3-707, and it is further

ORDERED that, with respect to any petition for a writ of habeas corpus which may not fall within the categories covered by this Order, the Clerk shall consult with the Senior Judge of the Court of Appeals, who may refer the petition to the entire Court as necessary.

/s/ Joseph M. Getty
Joseph M. Getty
Chief Judge
Court of Appeals of Maryland

Filed: October 21, 2021

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

Pursuant to Maryland Uniform Electronic Legal
Materials Act
(§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Suzanne C. Johnson, Clerk