

Thursday, September 27, 2007

Maryland's highest court on coram nobis.

Photo from website of U.S. District Court (W.D. Mi.). Since 1993, I have represented many criminal clients in post conviction proceedings. In one of my more grisly post conviction cases, I obtained a reversal of a conviction against my client who was found guilty of raping his grandmother, due to faulty jury instructions. I proceeded to defend him to a final resolution of his case, which involved a time-served, no probation disposition after he sat in prison for many years. In Maryland, when the avenues have been exhausted or no longer exist for pursuing a post conviction petition, some defendants seek similar relief by filing a petition for a writ of error coram nobis. Instead of discussing coram nobis law and practice at length, this blog entry is a notification that Maryland's highest court recently issued a 4-3 opinion addressing approaches for determining whether a criminal defendant should be viewed as having waived eligibility for coram nobis relief. The Court's majority view is more crabbed than the minority's, in terms of Defendants' waiver of eligibility for coram nobis relief. The case is *Holmes v. Maryland*, ___ Md. __ (Sept. 21, 2007). Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00