

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Gary T. McKinley v. Carlos D. Bivens and the Attorney General of the State of Maryland

Civil Action No. BAH-23-681 · No. BAH-23-681 · Decided January 21, 2026

SUMMARY

The United States District Court for the District of Maryland denied a self-represented petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court held that the ineffective-assistance claim was procedurally defaulted and that the challenge to the voluntariness and knowing nature of the petitioner's Alford plea lacked merit.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Brendan A. Hurson
JURISDICTION	United States District Court for the District of Maryland
DECIDED	January 21, 2026
DOCKET	BAH-23-681
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging Maryland convictions and sentence. The federal district court denied the petition, dismissed one claim as procedurally defaulted and both claims as meritless, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	Under 28 U.S.C. § 2254(d), federal habeas relief is unavailable unless the state-court adjudication was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the United States Supreme Court, or was based on an unreasonable determination of the facts. State factual determinations are presumed correct under 28 U.S.C. § 2254(e)(1) unless rebutted by clear and convincing evidence. Procedurally defaulted claims are reviewed only upon a showing of cause and prejudice or a fundamental miscarriage of justice based on actual innocence.
PARTIES	Gary T. McKinley v. Carlos D. Bivens, Attorney General of the State of Maryland

QUESTIONS PRESENTED

1. Whether McKinley's ineffective-assistance claim based on counsel's alleged failure to explain the elements of second-degree murder was procedurally defaulted.
2. Whether the actual-innocence gateway excused the procedural default where McKinley sought DNA testing but identified no new evidence showing that no reasonable juror would have convicted him.
3. Whether McKinley's Alford plea was constitutionally invalid because the plea record allegedly failed to establish that he understood the nature and elements of the charges.
4. Whether counsel was ineffective under *Strickland and Hill v. Lockhart* for allegedly failing to explain the elements of the offenses before the plea.

HOLDINGS

1. McKinley procedurally defaulted his claim that trial counsel was ineffective for failing to explain the elements of the charges because he did not fairly present that claim to the Maryland courts.
2. The actual-innocence gateway did not excuse the procedural default because McKinley offered no new reliable evidence and a request for DNA testing did not show that no reasonable juror would have convicted him.
3. McKinley's Alford plea was knowing and voluntary because the plea record, including his acknowledgment that he reviewed the indictment, the State's evidence, and available defenses with counsel, supported the conclusion that he understood the nature and elements of the charges.
4. McKinley failed to establish ineffective assistance because he did not show deficient performance or a reasonable probability that, but for counsel's alleged error, he would have rejected the plea and gone to trial.

FACTUAL BACKGROUND

McKinley was charged with first-degree murder and use of a handgun in a crime of violence after his girlfriend was found dead from a gunshot wound to the head. He entered an Alford plea to second-degree murder and the handgun offense after the State indicated it would seek life without parole if the case went to trial; the plea was accepted after a competency evaluation and colloquy in which McKinley acknowledged understanding the plea and the rights he was waiving. The State proffered that McKinley made inculpatory statements taking responsibility for the shooting, and he received an aggregate fifty-year sentence. In later proceedings, he claimed counsel failed to explain the elements of the offenses and that his plea was not knowing or voluntary.

PROCEDURAL HISTORY

McKinley entered an Alford plea in the Circuit Court for Prince George's County to second-degree murder and use of a handgun in a crime of violence and received an aggregate fifty-year sentence. After unsuccessful sentence motions, he pursued Maryland post-conviction relief; the state post-conviction court granted permission to file a belated appeal of his plea but denied other relief. The Appellate Court of Maryland denied his plea appeal, and the Supreme Court of Maryland denied certiorari. McKinley later filed a state writ of actual innocence, which was denied, and then filed this federal habeas petition. The district court denied relief.

