

Circuit Court for Prince George's County
Case No. CT961571A

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 745

September Term, 2023

JEROME HAMMONDS

v.

STATE OF MARYLAND

Arthur,
Leahy,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 19, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Jerome Hammonds, appellant, contends that the Circuit Court for Prince George’s County erred in dismissing, without prejudice, his petition for writ of actual innocence. For the reasons that follow, we shall affirm the judgment of the circuit court.

In February 1997, Mr. Hammonds was convicted by a jury of first degree rape and related offenses.

Briefly, the State established that the victim owed [Mr. Hammonds] ten dollars for drugs she had purchased from him on another occasion. When she did not repay him on demand, he dragged her by the hair into a friend’s apartment. Once inside the apartment, he burned her hands and wrists with a heated knife, poured alcohol over the burns, and forced her to engage in oral, vaginal, and anal sex.

Hammonds v. State, No. 502, Sept. Term, 1997 (filed March 5, 1998), slip op. at 1.

In July 1999, Mr. Hammonds filed a petition for post-conviction relief. The court subsequently denied the petition. In September 2014, Mr. Hammonds filed a motion to reopen the petition. On February 12, 2015, the court held a hearing on the motion, at which the Honorable Clayton Anthony Aarons, who represented Mr. Hammonds at trial, and the Honorable Maureen M. Lamasney, who at the time of Mr. Hammonds’s trial was District Public Defender for Prince George’s County, testified. Following the hearing, the court granted the motion, reopened the petition, and ordered that a post-conviction hearing be held. On November 4, 2015, the court held the post-conviction hearing, after which the court denied the petition.

In December 2022, Mr. Hammonds filed the petition for writ of actual innocence, in which he contended that he had “discovered new evidence,” and that “[t]here is a significant possibility that the results of the trial verdict would have been different had this

evidence been considered in [a] light favorable to” him. Mr. Hammonds contended that at the February 2015 hearing, Judges Lamasney and Aarons gave

[s]worn testimony . . . revealing the existence (at trial and all relevant periods) of a constitutionally illegal and prejudicial “Office Policy,” which obligated attorneys of the [O]ffice of the [P]ublic [D]efender to refuse a client’s request to discharge his public defender and either obtain other counsel or self-represent; to not inform the trial judge of the client’s request to discharge his public defender; and to not inform the client of his obligatory right to inform the court of his wish to discharge his public defender pre-trial.

(Emphasis omitted.) Mr. Hammonds contended that “[t]his policy . . . permitted trial counsel to retaliate against [him] by conceding guilt and essentially abandoning him at trial.” The court subsequently issued an order in which it dismissed the petition, without prejudice, on the ground that it “fail[ed] to comply substantially with the requirements of” Rule 4-332(d) (stating what must be included in a petition for writ of actual innocence).

Mr. Hammonds contends that, for numerous reasons, the court erred in dismissing the petition. We first note that Mr. Hammonds did not attach to his petition the pertinent testimony of Judges Lamasney and Aarons at the February 2015 hearing. Hence, we are unable to determine whether Mr. Hammonds’s characterization of the judges’ testimony is correct. Nevertheless, we conclude that the court did not err in dismissing the petition. The Supreme Court of Maryland has stated that one who petitions for a writ of actual innocence “must produce newly discovered evidence that: (1) speaks to his or her actual innocence; (2) could not have been discovered in time to move for a new trial under . . . Rule 4-331; and (3) creates a substantial or significant possibility that, if his or her jury had received such evidence, the outcome of his or her trial may have been different.” *Carver v. State*, 482 Md. 469, 489-90 (2022) (internal citations, quotations, and footnote omitted).

The first prong limits relief to a petitioner who makes a threshold showing that he or she may be actually innocent, meaning he or she did not commit the crime. . . . The third prong requires a materiality analysis under a standard that falls between “probable,” which is less demanding than “beyond a reasonable doubt,” and “might,” which is less stringent than “probable.” To meet this standard, the cumulative effect of newly discovered evidence, viewed in the context of the entire record, must undermine confidence in the verdict.

Id. at 490 (internal citations and quotations omitted).

Here, Mr. Hammonds did not make in his petition a threshold showing that he is actually innocent of the offenses of which he was convicted. Hence, the “newly discovered evidence” cited in the petition does not speak to Mr. Hammonds’s actual innocence. Mr. Hammonds also did not explain why, in light of the considerable evidence presented by the State, confidence in the verdict was undermined by the cumulative effect of evidence that the Office of the Public Defender may have refused his request to discharge counsel, refused to inform the trial judge of such a request, and failed to inform Mr. Hammonds of his right to inform the court of his wish to discharge counsel. The alleged “evidence” does not create a substantial or significant possibility that, if Mr. Hammonds’s jury had received such evidence, the outcome of his trial may have been different, and hence, the court did not err in dismissing the petition.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**