

Circuit Court for Charles County
Case No. C-08-CR-20-000417

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1253

September Term, 2024

MARC CHRISTOPHER BROWN, JR.

v.

STATE OF MARYLAND

Graeff,
Leahy,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: September 19, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

On August 27, 2021, a jury in the Circuit Court for Charles County convicted Marc Christopher Brown, Jr., appellant, of attempted burglary and burglary in the second degree, two counts of burglary in the fourth degree, and three counts of malicious destruction of property. Following his conviction, the court sentenced him to a total of 25 years of imprisonment. On July 12, 2024, appellant filed a motion for a new trial, which the court denied on July 31, 2024.

On appeal, appellant presents four questions for this Court’s review,¹ which we have rephrased and consolidated, as follows:

Did the circuit court err in denying appellant’s motion for a new trial?

For the reasons set forth below, we shall affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

I.

Underlying Convictions

The State charged appellant with various offenses relating to his use of a blowtorch in an attempt to burglarize two separate businesses: Sky Zone (an indoor trampoline park)

¹ Appellant phrased the questions presented as follows:

Issue 1. Did the lower court commit a miscarriage of justice by denying a new trial despite defendant-appellant’s claim he had proof of corruption?

Issue 2. Was Due Process (Substantive or Procedural) denied due to the denial of a motion for new trial?

Issue 3. Did the court deny Appellant the right to present a defense due to the denial of a motion for new trial?

Issue 4. Did the lower court err in the denial of a motion for new trial?

in September 2019 and Capital Clubhouse (an indoor ice-skating rink) in November 2019. *See Brown v. State*, No. 2315, Sept. Term 2023, 2024 WL 3218653, at *1 (filed June 28, 2024) (unreported) (per curiam) (affirming the denial of appellant’s petition for a writ of actual innocence). In August 2021, a four-day jury trial occurred. Appellant represented himself, and as part of his defense, he argued that one of the detectives lied during her testimony, and that detectives planted and tampered with evidence during their investigation. The jury rejected these arguments, and found him guilty of all counts.

On August 8, 2022, appellant filed a notice of appeal. On June 29, 2023, appellant moved to withdraw the appeal and strike the appearance of his counsel. On July 10 2023, this Court granted appellant’s motions and dismissed the appeal. The mandate issued on July 14, 2023.

II.

Related Convictions

The investigation into the offenses in this case led to appellant’s indictment on multiples charges in Case No. C-08-CR-20-000020 (the “-020 Case”), which involved the December 2019 burglary of a bowling alley, as well as multiple other offenses, including home invasion, kidnapping, robbery, and motor vehicle theft. *Brown v. State*, No. 1384, Sept. Term 2021, 2023 WL 3860298, at *1 (filed June 7, 2023) (“*Brown No. 1384*”). Appellant represented himself at trial, and the jury found him guilty of all charges. *Id.* at *2. The court sentenced appellant to an aggregate term of 75 years of imprisonment. *Id.* Appellant filed an appeal in the -020 Case, and this Court affirmed his convictions in an unreported opinion. *Id.* at *7.

III.

Petition for Writ of Actual Innocence

On August 9, 2023, appellant filed a *pro se* petition for a writ of actual innocence in the case at issue in this appeal. *Brown*, 2024 WL 3218653, at *1. In the petition, appellant alleged that law enforcement had tampered with evidence and planted evidence on him. *Id.* In upholding the circuit court’s denial of the petition, this Court stated that appellant “did not point to any evidence to support his bald allegation that the detectives planted evidence on him.” *Id.* at *2. “Moreover, by his own admission in the petition, he had made the same or similar arguments in his trial in [the -020 case] tried in June 2021,” before “his August 2021 trial in this case.” *Id.* Indeed, appellant conceded in his petition that he “had always claimed innocence, even using corruption and tampered evidence as his trial defense.” *Id.* Accordingly, we agreed with the circuit court that appellant failed to produce any “newly discovered evidence” under section 8-301 of the Maryland Code, Criminal Procedure Article, and Maryland Rule 4-332.

IV.

The Motion for New Trial

In July 2024, appellant filed the motion for new trial that is the subject of this appeal. Appellant requested that the court vacate his convictions and related sentences “on the basis of a violation of [his state and federal constitutional due process rights].” He contended that two of the detectives involved in his arrest engaged in “corruption,” and the testimony of one of the detectives was unreliable. Appellant did not, however, identify any new evidence in his motion. Instead, he cross-referenced the unsuccessful petitions for

writs of actual innocence in this case and the -020 Case² for the “information necessary to validate this motion[.]” On July 31, 2024, the circuit court denied the motion for new trial.

DISCUSSION

Appellant contends that the circuit court erred in denying his motion for a new trial. He argues that he has proof that detectives “planted probable cause/critical evidence on him” in the -020 Case. Appellant references his “computer records alibi[.]” and he states that the computer record evidence, including photographs uploaded to the website flickr.com, “‘speaks to’ [his] innocence because it shows probable cause due to something other than Appellant.”

The State contends that the court did not err or abuse its discretion in summarily denying appellant’s motion for a new trial. It argues that appellant did not satisfy the requirements of Maryland Rule 4-331(c) because his corruption allegations are not newly discovered evidence. Rather, appellant previously raised these claims at trial and in his petition for writ of actual innocence in this matter, and they were rejected. The State further asserts that appellant has provided no actual evidence supporting his allegations and that any purported evidence from the -020 Case is immaterial to his convictions in this case.

“We review a trial court’s denial of a motion for new trial based on newly discovered evidence for abuse of discretion.” *Canales-Yanez v. State*, 472 Md. 132, 156 (2021). *See also Campbell v. State*, 373 Md. 637, 665 (2003) (“[D]enials of motions for new trials are reviewable on appeal and rulings on such motions are subject to reversal

² The court denied appellant’s petition for writ of actual innocence in the -020 Case in June 2025.

when there is an abuse of discretion.”). To find an abuse of discretion, “the trial court’s decision must be well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *Katz, Abosch, Windesheim, Gersham & Freeman, PA. v. Parkway Neuroscience & Spine Inst., LLC*, 485 Md. 335, 361 (2023) (quoting *Devincentz v. State*, 460 Md. 518, 550 (2018)).

Maryland Rule 4-331(c)(1) permits a court to grant a new trial based on newly discovered evidence. It provides:

The court may grant a new trial or other appropriate relief on the ground of newly discovered evidence which could not have been discovered by due diligence in time to move for a new trial pursuant to section (a) of this Rule[, i.e., within 10 days after the verdict] . . . on motion filed within one year after the later of (A) the date the court imposed sentence or (B) the date the court received a mandate issued by the final appellate court to consider a direct appeal from the judgment or a belated appeal permitted as post conviction relief[.]”

The State does not argue that the motion for new trial was not timely filed within one year after July 18, 2023, the date that the circuit court docketed the mandate dismissing his direct appeal in this case. Appellant, an unrepresented prisoner, certified that he “personally deposited the” motion “for mailing in a receptacle designated by the facility for outgoing mail” on July 12, 2024. *See Hackney v. State*, 459 Md. 108, 127 (2018) (adopting the “prison mailbox rule” in Maryland for unrepresented prisoners attempting to file post-conviction petitions).

Appellant’s motion, however, fails to satisfy the substantive requirements for a new trial based on newly discovered evidence under Rule 4-331(c). As indicated, this Court already decided, in the per curiam opinion upholding the denial of appellant’s petition for

a writ of innocence that appellant’s allegations of evidence tampering were not newly discovered evidence because appellant “had made the same or similar arguments in his trial in case -020 tried in June 2021, shortly prior to his August 2021 trial in this case,” and appellant alleged “corruption and tampered evidence as his trial defense.” *Brown*, 2024 WL 3218653, at *2. This Court’s previous decision constitutes the law of the case and precludes this claim in this appeal. *See Holloway v. State*, 232 Md. App. 272, 279 (2017) (under the law of the case doctrine, “decisions rendered by a prior appellate panel will generally govern the second appeal at the same appellate level”).

We also note that appellant’s motion contained no evidence supporting his corruption allegations. Instead, appellant merely cross-references his unsuccessful petitions for writs of actual innocence. As we noted in appellant’s previous appeal in this case, appellant’s “petition did not point to any evidence to support his bald allegation that the detectives planted evidence on him.” *Brown*, 2024 WL 3218653, at *2. His motion for new trial contains the same deficiency.

The State notes that appellant’s alleged “newly discovered evidence” references documents that appellant claimed he had printed using a computer on the day of the offenses in the -020 Case.³ In his petition for a writ of actual innocence in the -020 Case, appellant claimed that timestamps on those documents provided him with an alibi for the offenses in the -020 Case. Appellant claimed that he “wasn’t educated on the timestamps

³ Appellant improperly invites this Court to view materials at an external website. Our review is limited to the record properly before the circuit court. *See Forward v. McNeily*, 148 Md. App. 290, 309 (2002) (documents not filed in circuit court record ordinarily cannot be considered on appellate review).

until the end of 2022.” The -020 Case, however, involved offenses committed in December 2019, at locations different from the offenses in this case, which occurred in September and November 2019. Thus, as the State correctly argues, appellant’s alleged alibi for the offenses committed in the -020 Case is immaterial to appellant’s culpability in the instant matter. *Cf. Mack v. State*, 166 Md. App. 670, 685 (2006) (“[F]or newly discovered evidence to warrant a new trial, it must be both material and persuasive.”).

For all these reasons, we hold that the circuit court did not abuse its discretion in denying appellant’s motion for new trial.

**JUDGMENT OF THE CIRCUIT COURT
FOR CHARLES COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**