

Circuit Court for Baltimore City  
Case Nos. 299053058 and 299054023

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1284

September Term, 2020

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ANTONIO HOLTON

v.

STATE OF MARYLAND

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Graeff,  
Zic,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: October 29, 2021

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Antonio Holton, appellant, contends that the Circuit Court for Baltimore City erred in denying his petition for writ of error coram nobis. For the reasons that follow, we shall affirm the judgment of the circuit court.

In July 1999, Mr. Holton submitted a plea of guilty in circuit court case number 299053058 to robbery with a deadly weapon and wearing, carrying, or transporting a handgun. The court sentenced Mr. Holton to a total term of imprisonment of ten years, all but five years suspended. Mr. Holton also submitted a plea of guilty in circuit court case number 299054023 to possession of cocaine with intent to distribute. The court sentenced Mr. Holton to a concurrent term of ten years, all but five years suspended.

In March 2020, Mr. Holton filed the petition for writ of error coram nobis, in which he contended that at his plea hearing, “he suffered ineffective assistance of counsel[] due to counsel’s failure to inform [Mr. Holton] that by accepting [the] plea agreement, it could be used against him in future proceedings.” Mr. Holton also contended that counsel failed to inform him “that he would be exposed to sentencing enhancements in federal court,” and of “the elements of his offense(s), which later could be used against him in federal court for armed career criminal enhancements as well as career of[f]ender penalties.” Mr. Holton further contended that he “did in fact suffer adverse consequences when,” in December 2010, “he was lab[e]led an armed career criminal in federal court and . . . subjected to a sentence of 288 months . . . in federal court stem[m]ing from these . . . prior convictions in Maryland.” Mr. Holton requested that the “convictions[] and sentences against him in all of the . . . cases be vacated.”

Denying the petition, the court stated:

As a preliminary matter, [Mr. Holton] failed to attach all relevant portions of the transcript or explain why he was unable to do so as required by Maryland Rule 15-1202(c). Next, the [c]ourt must determine whether [Mr. Holton's] allegations are barred by the doctrine of laches.

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[Mr. Holton] did not provide the [c]ourt with a reason for his delay in filing the instant [p]etition. Further, [Mr. Holton] was motivated to file the [p]etition due to his enhanced sentence as a career offender in the federal system.

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Additionally, in this case, [Mr. Holton] waited ten (10) years[] following his sentencing in the federal case to challenge the Maryland pleas and . . . twenty one (21) years [following] the original hearing. The [c]ourt does not find that [Mr. Holton's] delay was reasonable.

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Finally, the [c]ourt must determine whether the State proved by a preponderance of the evidence that it is prejudiced in its delay either in its ability to defend against the instant [p]etition or with its ability to re-prosecute, if needed. In this case, transcripts are no longer available of [Mr. Holton's] underlying proceedings. Further, as twenty-one (21) years have passed since the most recent plea proceeding, it is highly unlikely that any participants would have a clear memory of the proceedings. Further, if there was a need to re-prosecute, the State would be highly prejudiced by the loss or destruction of evidence since the initial proceedings. [Mr. Holton] does not acknowledge the delay in filing this [p]etition and it is likely that the witness[']s memory is potentially evaporated and any controlled substances long-since destroyed . . . .

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As such, [the petition] is barred by the doctrine of laches . . . .

(Citation omitted.)

Contending that the court erred in denying the petition, Mr. Holton argues:

While trying to locate trial transcripts [Mr. Holton] was notified by the Maryland Archives that the court decided not to transcribe his state sentencing hearing. This fact made it impossible for [Mr. Holton] to have any other support to his ineffective assistance of counsel claim outside of his own memory. And this in turn also prejudiced the State, which is no fault of [Mr. Holton].

We disagree. Rule 15-1202(c) assigns the burden of attaching to a petition for writ of error coram nobis “all relevant portions of the transcript” to the petitioner, and does not require a court to order the transcription of a hearing in anticipation that it may subsequently be needed for a coram nobis proceeding. Also, the Court of Appeals has stated that in determining whether a petition for writ of error coram nobis is barred by the doctrine of laches, “delay begins when the petitioner,” not the State, “knew or should have known of the facts underlying the alleged error.” *Jones v. State*, 445 Md. 324, 344 (2015) (citation omitted). The Court further stated in *Jones* that “it is appropriate to consider a petitioner’s motivation for not challenging an alleged error until doing so suits the petitioner’s interests,” *id.* at 347 (citation omitted), and “[i]t would be absurd to essentially reward [a petitioner] for committing a new crime by allowing him to now challenge his [previous] conviction, and seek to invalidate his bargained-for plea agreement, on the ground that, . . . years later, he contends that he did not understand the elements of the offense to which he pled guilty.” *Id.* Finally, “[t]o establish prejudice, . . . the State must prove simply that the delay places the State in a less favorable position for purposes of reprosecuting the petitioner.” *Id.* at 360 (internal citation and quotations omitted). Here, Mr. Holton does not cite any evidence contrary to the court’s conclusions that “it is highly unlikely that any participants would have a clear memory of the proceedings” and any

related evidence has been lost or destroyed. Hence, the court did not err in denying the petition.

**JUDGMENT OF THE CIRCUIT COURT  
FOR BALTIMORE CITY AFFIRMED.  
COSTS TO BE PAID BY APPELLANT.**