Circuit Court for Calvert County
Case No. 04-K-13-000561

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1452

September Term, 2024

OLADAYO ADE OLADOKUN

v.

STATE OF MARYLAND

Nazarian,
Kehoe, S.,
Raker, Irma S.
(Senior Judge, Specially Assigned),

Opinion by Raker, J.

Filed: January 16, 2026

*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).

In this appeal, appellant asks this Court to consider whether the Circuit Court for Calvert County erred in denying his petition for writ of error coram nobis.

I.

On August 12, 2024, appellant pled guilty to second degree assault against his girlfriend, Jessica Taylor. On August 13, 2024, appellant pled guilty to one count of failing to comply with a court protective order by contacting Ms. Taylor as part of circuit court case K-13-563, a joined criminal case. The State entered a *nolle prosequi* for all remaining charges. The court sentenced appellant to 3 years' incarceration, all but 272 days suspended and credit for 272 days previously served pursuant to his first plea, followed by 2 years' unsupervised probation. Pursuant to appellant's second plea, the court imposed a sentence of ninety days, to run concurrent to appellant's sentence for the first plea. Appellant was then released.

During the plea hearing, the court engaged in the plea colloquy. After establishing appellant's education, sobriety, and his mental competency, the court explained the elements of second-degree assault. The court then questioned appellant regarding his defense attorney, inquiring as follows:

"THE COURT: Now, how long has Mr. [attorney] been your lawyer?

[APPELLANT]: Since January.

THE COURT: January. Okay, so for the last eight months?

[APPELLANT]: Yes.

> THE COURT: So have you and he gone over these charges and any and all possible defenses you have to them?
>
> [APPELLANT]: Yes.
>
> THE COURT: Are you satisfied with his services?
>
> [APPELLANT]: Yes."

The court informed appellant that a guilty plea may result in a removal or deportation depending on appellant's citizenship status. The court also informed appellant that a guilty plea could affect his pending federal charges:

> "THE COURT: Based on what the State knows about your record, because what I also learned in March that you had no charges pending, but in D.C. you may have something with the federal government; is that correct, there is a detainer?
>
> [APPELLANT]: Yeah, certainly. I have a warrant there.
>
> THE COURT: Okay, so you understand that this plea may have consequences with that proceeding?
>
> [APPELLANT]: Automatically.
>
> THE COURT: So you are aware of that is my point.
>
> [APPELLANT]: Yes, ma'am."

When appellant required "an ABA plea," the court explained that the State's offer was for three years' incarceration and a dismissal of all other charges in the joined criminal cases. Appellant insisted that he had a "71 year old mother" to care for. He continued to protest:

> "[APPELLANT]: No, I'm saying I want to sign a plea, sign [an] ABA plea saying this is how much time I'm getting. I don't want an open plea.

THE COURT: Well, it's not an open plea exactly. It's a binding—it's a binding plea. I'm the sentencing judge. It's a binding plea between me and [defense counsel] and you.

The State has their job, and they have their position, and they will put that position on the record. I have told you, and it could be printed out in writing,—

[APPELLANT]: Yes, ma'am.

THE COURT: —that if Ms. Taylor comes to sentencing and says give him time served, I have said that's what you will get.

[APPELLANT]: Okay.

THE COURT: So is that what you would like to do?

[APPELLANT]: Yes.

THE COURT: Have you been threatened in any way?

[APPELLANT]: No.

THE COURT: Do you understand what I have told you, and do you feel in any way you would like to have more time to talk with [defense counsel]?

[APPELLANT]: No.

THE COURT: Are you sure? Because I certainly can take a break and give you that time.

THE DEFENDANT: (Shook head negatively.)

[DEFENSE COUNSEL]: Are you okay with this?

THE COURT: Do you want me to leave and have you discuss it with [defense counsel]?

[DEFENSE COUNSEL]: I think he is okay, Your Honor.

[APPELLANT]: Yes, Your Honor.

THE COURT: I need to hear it with my own ears so the court reporter can take down your answers.

[APPELLANT]: Yes. Yes, Your Honor.

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THE COURT: Is this your knowing and voluntary decision?

[APPELLANT]: Yes, ma'am.

THE COURT: Are you sure?

[APPELLANT]: Yes, ma'am. Yes

THE COURT: Any questions about it?

[APPELLANT]: No.

THE COURT: And you feel that you need any more time to talk to [defense counsel]?

[APPELLANT]: No."

The court found that appellant "understood this plea, understood the offer, that he was knowingly and voluntarily entering into it, he was under no distress, and it was his knowing and voluntary choice." The court found that he had been "competently represented by [defense counsel] for over eight months" and appellant "has backup time in the [. . .] federal system, and he understands that that stands alone, and this plea will affect that."

On February 1, 2023, appellant was sentenced pursuant to a plea in the United States District Court for the Southern District of New York for one count of money laundering and one count of conspiracy to commit bank fraud. The court sentenced appellant to 125 months of incarceration. Appellant's prior state convictions enhanced his federal sentence.

At the time of sentencing, appellant's criminal history score was ten points. Four of those points were based on appellant's state convictions. Appellant's criminal offense score was 37 points. Were appellant to have a criminal history score of 6, his guidelines sentencing range under the federal sentencing guidelines would have been fifty-one months to sixty-three months. With appellant's score of ten, his sentencing range was 262 months to 325 months. This classification prompted appellant's security classification to be medium. This classification was later dropped to low. Appellant's prior conviction prevented his classification from dropping lower. Appellant's conviction for a crime of violence also prevented him from eligibility for home confinement under the CARES Act and the Second Chance Act. Appellant alleges he met all other requirements for camp custody and home confinement. In a March 31, 2023 letter issued by the Federal Correctional Institution II, the FCI informed appellant that he was not eligible for home confinement under the CARES Act for various factors: (1) because he did not have a pattern risk score because of the short amount of time he had been in the institution, (2) because he initially scored as a medium security level inmate with twenty-one pints, and (3) because of his prior criminal conviction. Without the state conviction, appellant would be released from his federal incarceration in 2026 rather than the current 2029.

On May 24, 2023, appellant filed a Petition for Writ of Error Coram Nobis in the Circuit Court for Calvert County in which he alleged that he was denied effective assistance of counsel. Appellant alleges that Ms. Taylor produced an affidavit in which she recanted her prior accusations that appellant broke into her home, choked her, and assaulted her. Appellant alleges that this recanting was never brought to the court's attention. He alleges

that he did not wish to plead guilty to his state charges due to this recanting but pled guilty under pressure from his defense counsel. He alleges that his attorney never advised him that such a plea would greatly affect any future federal court charges.

On June 23, 2023, the State filed an Answer to appellant's Writ of Error Coram Nobis petition. In this filing, the State argued appellant's petition should be denied for procedural reasons and on the merits. The State argued it was not aware of any affidavit in which Ms. Taylor recanted her allegations and that appellant did not suffer any significant collateral consequences.

On August 21, 2023, defense counsel filed an affidavit asserting that, despite his diligent efforts, he was unable to locate appellant's file because his representation occurred over 10 years prior. He asserted that, to the best of his recollection, he never received an affidavit from Ms. Taylor indicating her desire to recant her prior statements, and that when Ms. Taylor appeared in court on August 13, 2024, she did not recant her statements. He also asserted that he never coerced appellant into accepting a plea.

On August 29, 2023, appellant filed an Amended Petition for Writ of Error Coram Nobis in which he reasserted that there existed an affidavit in which Ms. Taylor recanted her allegations, his attorney knew of this document, and that his plea was not knowing and voluntary.

On August 26, 2024, the court held a hearing on appellant's petition. At the time of appellant's coram nobis hearing, he was incarcerated under his federal sentence, of which he had served sixteen months. He is currently incarcerated. At the end of the hearing, the court denied the petition, concluding that appellant "made an informed decision to accept

the plea, having determined it was in his best interests prior to acceptance" and was "in no way" coerced. The court also found that appellant had expressed satisfaction with his attorney's performance and acknowledged his guilty plea "was going to impact him at some point." On September 20, 2024, the court entered a written denial of the petition.

II.

Before this Court, appellant argues that the circuit court erred in finding that he was adequately represented prior to and at the time of his plea. Appellant asserts that he suffered collateral consequences because of his attorney failing to inform him about how his plea would affect future federal sentencing. He argues his plea was therefore not knowing and voluntary. Appellant argues that the court erred in not crediting his testimony that Ms. Taylor recanted her statements to the police through live testimony. Appellant contrasts this testimony to that of his former defense counsel, which was rendered by an affidavit and qualified by the statement "to the best of my recollection." Defense counsel admitted he was unable to locate his file. Appellant asserts that defense counsel's failure both to completely advise appellant of the consequences of his plea and his failure to revisit Ms. Taylor's statements resulted in ineffective assistance of counsel and led to the plea being unknowing and therefore not voluntary.

The State argues that the court acted within its discretion in denying coram nobis relief. The State concedes that appellant suffered collateral consequences but asserts that the court determined correctly that appellant failed to show either that his counsel was constitutionally ineffective or that a constitutional or other fundamental error affected his

guilty pleas. The record of the plea hearing demonstrates that defense counsel did not coerce appellant into pleading guilty notwithstanding Ms. Taylor's alleged recantation. The State then argues that appellant's allegation that defense counsel failed to advise him about the effect of the plea on future sentencing is unpreserved or, in the alternative, factually unfounded. The plea hearing record demonstrates that the court specifically warned appellant that the plea may affect federal proceedings.

III.

Coram nobis relief is "an extraordinary remedy that is justified only under circumstances compelling such action to achieve justice." *Graves v. State*, 215 Md. App. 339, 348 (2013). In 2000, the Supreme Court of Maryland in *Skok v. State*, 361 Md. 52, 78 (2000), established the coram nobis remedy "for a convicted person who is not incarcerated and not on parole or probation, who is suddenly faced with a significant collateral consequence of his or her conviction, and who can legitimately challenge the conviction on constitutional or fundamental grounds."

The five criteria required for a convicted petitioner to be considered for coram nobis relief are as follows: (1) that the grounds for challenging the criminal conviction must be based on constitutional, jurisdictional or fundamental concerns; (2) the "burden of proof is on the coram nobis petitioner" to rebut the "presumption of regularity [that] attaches to the criminal case"; (3) the "petitioner must be suffering or facing significant collateral consequences from the conviction"; (4) the petitioner must not have waived his or her claims and "[s]imilarly, where an issue has been finally litigated in a prior proceeding, and

there are no intervening changes in the applicable law or controlling case law, the issue may not be relitigated in a coram nobis action"; and (5) that "one is not entitled to challenge a criminal conviction by a coram nobis proceeding if another statutory or common law remedy is then available." *Id.* at 78-80. If any one of these criteria is not satisfied, coram nobis relief is not available. *See Jones v. State*, 445 Md. 324, 338 (2015).

Coram nobis relief is reserved only for extreme cases. In *State v. Rich*, 454 Md. 448, 470-71 (2017). the Supreme Court of Maryland observed as follows:

> "Because of the 'extraordinary' nature of this remedy, we deem it appropriate for appellate courts to review the coram nobis court's decision to grant or deny the petition for abuse of discretion. However, in determining whether the ultimate disposition of the *coram nobis* court constitutes an abuse of discretion, appellate courts should not disturb the *coram nobis* court's factual findings unless they are clearly erroneous, while legal determinations shall be reviewed *de novo*."

"Significant collateral consequences," is very narrow. The *Skok* court referred to consequences warranting relief as "serious," "significant," or "substantial." *Skok*, 361 Md. at 77-79, 82. The Maryland Supreme Court has considered as significant collateral consequences deportation proceedings, (*see id*. at 77), the use of a prior conviction to enhance sentencing under recidivist statutes (*see id*.), and the inability to obtain a professional license (*see Smith v. State*, 480 Md. 534, 551 n.5 (2022)). In *Smith*, the Maryland Supreme Court held that "satisfaction of the *Skok* qualifications does not automatically entitle a petitioner to a writ of error *coram nobis.* [. . .] It is within the circuit court's discretion to determine whether the petition for writ of error *coram nobis* also presents

circumstances compelling such action to achieve justice, as adopted by the *Skok* Court." *Smith*, 480 Md. at 560.

Under Maryland Rule 8-131(c):

> "When an action has been tried without a jury, an appellate court will review the case on both the law and the evidence. It will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and will give due regard to the opportunity of the trial court to judge the credibility of the witnesses."

We accept the court's "factual findings and determinations regarding the credibility of testimony unless they are clearly erroneous." *Small v. State*, 464 Md. 68, 88 (2019).

Assuming, *arguendo*, that all of appellant's claims were preserved, we hold that the court committed no error in denying appellant's petition.

We address first appellant's claim that he was not sufficiently informed that his plea would affect later sentencing and that his plea was therefore unknowing and involuntary. There is extensive evidence in the record that appellant was aware of such potential consequences. The circuit court judge made sure appellant knew that his plea would affect future convictions during the plea colloquy section quoted above. During the colloquy, the court engaged in an extensive back and forth exchange with appellant during which appellant asserted that his plea was knowing and voluntary and that he did not wish for additional time to discuss anything with his defense counsel. The court clarified for defendant that his plea may have an impact on future federal sentencing, which appellant said he understood. The record negates appellant's argument that he was unaware of the consequences of his plea on future federal sentencing.

Nor is there evidence to support appellant's assertion that he received ineffective assistance of counsel due to his defense counsel's failing to mention Ms. Taylor's recantation. Appellant has not pointed to any evidence in the record beyond his assertion that this recantation exists. Both defense counsel and the State deny any knowledge of such a statement. It was well within the court's discretion to choose not to credit appellant's testimony that any recantation existed. We will not disturb this factual finding of the circuit court, which is better positioned to judge appellant's credibility, and the finding was not clearly erroneous.

JUDGMENT IN THE CIRCUIT COURT FOR CALVERT COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.