

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 816

September Term, 2015

MAURICE SYDNOR WILLIAMS

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Retired, Specially Assigned),

JJ.

PER CURIAM

Filed: February 6, 2017

*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.

In 2001, Maurice Sydnor Williams, appellant, was convicted by a jury, in the Circuit Court for Prince George's County, of second degree murder. After his conviction was affirmed on direct appeal, Williams filed a petition for post-conviction relief which was denied by the circuit court, following a hearing.

Williams then filed a "Petition for Writ of Actual Innocence – or – Motion to Reopen Closed Post Conviction." In support of his claim of actual innocence, Williams asserted that: (1) his trial counsel was ineffective by not adequately challenging the testimony of various witnesses at his trial, including the testimony of the State's bloodstain spatter analysis expert, and (2) the police failed to investigate certain evidence, known to the parties at the time of trial, that, he claims, might have implicated someone else in the murder. In the motion, Williams alternatively contended that he had received ineffective assistance of post-conviction counsel and requested the circuit court to re-open his post-conviction proceeding so that he could present additional evidence in support of his previously denied post-conviction claims.

On April 28, 2015, the circuit court issued an order denying appellant's petition for writ of actual innocence, without a hearing, because he had "allege[d] no newly discovered evidence and simply restate[d] the allegations of his post-conviction proceeding." The order did not address appellant's alternative request to re-open his post-conviction proceeding. On appeal, Williams contends that the circuit court erred in denying his petition for writ of actual innocence and in not re-opening his post-conviction proceeding. For the reasons that follow, we affirm.

A petitioner seeking a writ of actual innocence must identify “newly discovered evidence” that “creates a substantial or significant possibility that the result [in his case] may have been different” and that “could not have been discovered in time to move for a new trial under Maryland Rule 4-331.” Md. Code Ann., Crim. Pro. Art., § 8-301 (a) (2008 Repl. Vol., 2016 Supp.). Although appellant’s petition challenged the actions of his trial counsel and the police, it did not identify any evidence that was unknown at the time of trial or could not have been discovered by the parties in time to move for a new trial under Maryland Rule 4-331. *See Douglas v. State*, 423 Md. 156, 180-81 (2011) (noting that “evidence that was clearly known during trial” does not constitute newly discovered evidence). Consequently, the circuit court did not err in denying his petition for writ of actual innocence.

We do not address the merits of Williams’ alternative request to re-open his post-conviction proceeding because the circuit court’s April 28, 2015, order did not resolve that claim. Once the circuit court issues a final order granting or denying Williams’ request to reopen his post-conviction proceeding, he may file an application for leave to appeal in this Court if he is aggrieved by that order.

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