

LAWRENCE EDWARD JACKSON, JR.

v.

STATE OF MARYLAND

* **IN THE**
* **COURT OF APPEALS**
* **OF MARYLAND**
* **Misc. No. 7**
* **September Term, 2020**

ORDER

WHEREAS, on August 21, 2009, Petitioner, Lawrence Edward Jackson, Jr., filed a petition for post-conviction DNA testing in the Circuit Court for Prince George's County in Case No. CT021260X, and

WHEREAS, on September 21, 2010, Judge Nicholas E. Rattal denied Mr. Jackson's petition, and

WHEREAS, in the ensuing years, Mr. Jackson has filed, pro se, numerous appeals, petitions for writs of certiorari, applications for leave to appeal, and post-conviction motions, including petitions for post-conviction DNA testing, in the circuit court, the Court of Special Appeals, and this Court, and

WHEREAS, on October 27, 2017, Mr. Jackson filed another petition for post-conviction DNA testing in the circuit court, and

WHEREAS, on July 18, 2019, the State filed an opposition to Mr. Jackson's October 27, 2017 petition, and
e.g., "Appendix A,"

WHEREAS, on January 17, 2020, Mr. Jackson filed a “Petition for a Writ of Mandamus,” in Misc. No. 12a19, requesting that this Court “intervene and direct” the Circuit Court for Prince George’s County to rule on “Petitioner’s petition for [Maryland Code (2018) §] 8-201 [of the Criminal Procedure Article (“CP”)] DNA Post Conviction Confirmatory Re-testing and Analysis on two (2) masks,” and

WHEREAS, this Court took judicial notice of the fact that the circuit court docket entries in Case No. CT021260X indicated that on February 6, 2020, Petitioner’s pending petition for post-conviction DNA testing filed in the circuit court was reassigned to Judge Michael R. Pearson for a ruling, and

WHEREAS, the Court considered the “Petition for a Writ of Mandamus” and the circuit court docket entries and, on February 28, 2020, denied Mr. Jackson’s petition, and

WHEREAS, on August 20, 2020, Mr. Jackson filed another “Petition for a Writ of Mandamus” in this Court, in Misc. No. 12a19, with regard to the same petition for post-conviction DNA testing, in which filing he asserted that Judge William A. Snoddy, to whom his petition for post-conviction DNA testing was previously assigned, failed to “set the matter in for a hearing,” within 120 days after service of the State’s answer to the petition, as he was “required” to do, and

WHEREAS, Mr. Jackson requested that this Court “intervene” and “[s]upplement” the circuit court’s order reassigning his petition for DNA testing by ordering Judge Pearson to “acknowledge, accept and act in accordance with” Maryland Rule 4-709(d) prior to ruling on the petition by “set[ting] the matter in for a hearing,” and

WHEREAS, the Court considered the second “Petition for a Writ of Mandamus” and the circuit court docket entries and, on September 25, 2020, denied Mr. Jackson’s

second petition, and

WHEREAS, on August 27, 2020, Mr. Jackson filed a “Notice of Appeal,” which was received in this Court on September 1, 2020, captioned “In the Circuit Court for Prince George’s County, Maryland,” Case No. CT021260X, indicating that an appeal to the Court of Appeals was noted in the above-captioned case “concerning the Circuit Court’s Order of Denial to Defendant’s petition for Md. Code Ann., Crim. Proc. 8-201 DNA Postconviction Confirmatory ReTesting, and Analysis on two (2) ski masks[,]”and

WHEREAS, on November 25, 2020, the State of Maryland, Respondent, filed a response to Mr. Jackson’s “Notice of Appeal,” advising that the ski masks in the above case were previously subjected to PCR/STR DNA testing in advance of Mr. Jackson’s trial, and

WHEREAS, Maryland Rule 4-709(a) provides that a hearing on a petition for DNA testing is required, in pertinent part, where, “if, from the petition, answer, and any response, the court finds that . . . (1) . . . “there is or may be a reasonable probability that the testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing,” and

WHEREAS, Maryland Rule 4-709(b) provides that a court may deny a petition for DNA testing without a hearing, in pertinent part, where “as a matter of law, the facts alleged in the petition . . . do not entitle the petitioner to relief under [CP § 8-201],” and

WHEREAS, the docket entries in Case No. CT021260X indicate that, on August 19, 2020, Judge Pearson denied Mr. Jackson’s petition for post-conviction DNA testing, “pursuant to the [September 21, 2010] Order of [the circuit court] by the Honorable Judge Nicholas E. Rattal finding that there are no facts nor allegations that a reasonable

probability exists that DNA testing has the scientific potential to produce exculpatory or mitigating evidence because the DNA evidence was tested by a lab using the standards and protocols that were in place at the time and resulted in inculpatory the Defendant and not exculpatory the Defendant,” and

WHEREAS, the petition that is the basis of Mr. Jackson’s appeal sought to have evidence introduced at his trial examined for hair and peeling skin fragments, and otherwise sought to repeat DNA testing that was previously performed, the results of which were introduced at his trial, and

WHEREAS, CP § 8-201 does not entitle a petitioner to have evidence examined for hair or skin fragments or to have evidence previously subject to DNA testing subjected to confirmatory retesting and, accordingly, does not provide for an appeal of a denial of such a petition, and

WHEREAS, Maryland Rule 8-602(a) provides for dismissal of an appeal when the appeal is not authorized by law, and

WHEREAS, the Court having again reviewed and considered Mr. Jackson’s filing, the State’s response thereto, and the circuit court docket entries in Case No. CT021260X, it is this 4th day of January, 2021

ORDERED, by the Court of Appeals of Maryland, that the “Notice of Appeal” be, and it is hereby, **DISMISSED**.

/s/ Mary Ellen Barbera

Chief Judge

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

STATE OF MARYLAND,

v.

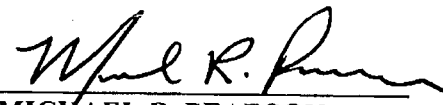
CT021260X

LAWRENCE E. JACKSON

ORDER OF COURT

UPON CONSIDERATION of the Defendant's Pro Se Motion for MD Code Ann. Crim. Proc. § 8-201 DNA Post Conviction Confirmatory Retesting and Analysis on Two (2) Black Ski Masks and Attached Motion for a Search and Production of Scientific Identification Evidence, it is this 11th day of August, 2020, by the Circuit Court for Prince George's County, Maryland,

ORDERED, that Defendant's Motion, filed on October 27, 2017, be and hereby is **DENIED** pursuant to the prior Order of this Court by the Honorable Judge Nicholas E. Rattal finding that there are no facts nor allegations "that a reasonable probability exists that DNA testing has the scientific potential to produce exculpatory or mitigating evidence" because the DNA evidence "was tested by a lab using the standards and protocols that were in place at the time" and resulted in "inculpatory the Defendant, not exculpatory the Defendant" (Exhibit 1).


MICHAEL R. PEARSON
Judge, Seventh Judicial Circuit

e.g., "Appendix B,"

ENTERED: 801.0000
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