

Circuit Court for Baltimore City
Case No.: 106177028, 29

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1499

September Term, 2020

SHADON BLAKE

v.

STATE OF MARYLAND

Kehoe,
Zic,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 25, 2022

*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.

Appendix A

In 2006, the burned body of Terrance Randolph was discovered in an alley in the 1900 block of Division Street in Baltimore. It was later determined that Mr. Randolph was the victim of a gang-related murder. The autopsy revealed that his body had sustained “37 cutting and slashing wounds” and “blunt force trauma and asphyxia[.]” Evidence at trial established that Mr. Randolph was murdered in the basement of a residence bearing the street address of 1921 Division Street and that appellant, Shaidon Blake, and other individuals were present when the victim was killed.

About a month after the body was discovered in the alley, the police executed a search warrant at 1921 Division Street. “Substances” that appeared to be blood were observed in and recovered from the basement. A Clorox bleach bottle and a gasoline can were also recovered from the basement. Some of the suspected blood substances that were recovered tested positive for blood.

Following a jury trial in April 2007 in the Circuit Court for Baltimore City, Mr. Blake was convicted of second-degree murder and conspiracy to commit murder. Upon direct appeal, this Court affirmed the judgment. *Blake v. State*, No. 989, September Term, 2007 (Md. App. filed March 19, 2009).¹

In 2019, Mr. Blake, representing himself, filed a petition for writ of actual innocence which, at the circuit court’s directive, he amended. In his petition, Mr. Blake relied upon Baltimore Police Department lab reports which addressed, among other things, the lab’s analysis of the suspected blood specimens recovered from the basement. Mr. Blake

¹ More details regarding the evidence presented at trial can be found in this Court’s opinion affirming the convictions on direct appeal.

asserted that he had first discovered the lab reports in November 2009 when he received them in response to his Maryland Public Information Act request for records. He claimed that the lab reports “exclude[d]” him as a source of the blood samples that had been collected from the basement and at least one sample yielded a DNA profile consistent with an “Unknown Male #1.” He also pointed out that a blood swab taken from the washing machine tested positive for blood, but analysis indicated that “human origin testing [was] negative.” He claimed that that fact was significant because at trial the “State made it clear to the jury that this sample linked the victim to a house that [he, Blake] frequented.” And he claimed that the State had withheld this “[v]ital DNA evidence from [him] and not made [it] available for trial.”

The circuit court denied relief, without a hearing, after concluding that Mr. Blake had failed to assert grounds upon which relief could be granted. Specifically, the court found that he was not entitled to actual innocence relief because he could have filed a timely motion for a new trial pursuant to Md. Rule 4-331.² The court noted that this Court’s mandate following Mr. Blake’s direct appeal was issued on April 17, 2009, but found that it was not received by the circuit court until July 21, 2009, and “therefore, under Rule 4-331, the Petitioner had until at least April 17, 2010, if not later, to file a motion for new trial based on newly discovered evidence[.]” Because Mr. Blake had acknowledged that

² Rule 4-331(c)(1) provides that “the court may grant a new trial or other appropriate relief on the ground of newly discovered evidence . . . on motion filed within one year after . . . the date the court received a mandate issued by the final appellate court to consider a direct appeal from the judgment[.]”

he had discovered the lab reports in November 2009, the court concluded that the lab reports were “not newly discovered evidence” entitling him to relief under the actual innocence statute.³ Mr. Blake appeals that ruling. For the reasons to be discussed, we shall affirm the judgment.

DISCUSSION

Certain convicted persons may file a petition for a writ of actual innocence based on “newly discovered evidence.” See Md. Code Ann., Crim. Proc. § 8-301; Md. Rule 4-332(d)(6). “Actual innocence” means that “the defendant did not commit the crime or offense for which he or she was convicted.” *Smallwood v. State*, 451 Md. 290, 313 (2017).

In pertinent part, the statute provides:

(a) A person charged by indictment or criminal information with a crime triable in circuit court and convicted of that crime may, at any time, file a petition for writ of actual innocence in the circuit court for the county in which the conviction was imposed if the person claims that there is newly discovered evidence that:

(1) (i) if the conviction resulted from a trial, creates a substantial or significant possibility that the result may have been different, as that standard has been judicially determined; [and]

(2) could not have been discovered in time to move for a new trial under Maryland Rule 4-331.

(g) A petitioner in a proceeding under this section has the burden of proof.

³ The circuit court also found that, in 2016, the court had ruled on an earlier petition filed by Mr. Blake based on the same lab reports. In the earlier case, the court determined that the lab reports did not qualify as newly discovered evidence because, again, they were discovered by Mr. Blake in time for him to have moved for a new trial pursuant to Rule 4-331. As such, the court in this case also concluded that the issue as to whether the lab reports were “newly discovered evidence” was barred by the doctrine of *res judicata*.

Crim. Proc. § 8-301.

“Thus, to prevail on a petition for writ of innocence, the petitioner must produce evidence that is newly discovered, i.e., evidence that was not known to petitioner at trial.”

Smith v. State, 233 Md. App. 372, 410 (2017). Moreover, “[t]o qualify as ‘newly discovered,’ evidence must not have been discovered, or been discoverable by the exercise of due diligence,” in time to move for a new trial. *Argyrou v. State*, 349 Md. 587, 600-01 (1998) (footnote omitted); *see also* Rule 4-332(d)(6).

A court may dismiss a petition for actual innocence without a hearing “if the court concludes that the allegations, if proven, could not entitle a petitioner to relief.” *State v. Hunt*, 443 Md. 238, 252 (2015) (quotation marks and citation omitted). *See also* Crim. Proc. § 8-301(e)(2). “[T]he standard of review when appellate courts consider the legal sufficiency of a petition for writ of actual innocence is *de novo*.” *Smallwood*, 451 Md. at 308.

Here, Mr. Blake is not entitled to actual innocence relief because it is undisputed that he failed to meet a threshold requirement, that is, that he could not have filed a timely motion for a new trial pursuant to Rule 4-331. In fact, he readily acknowledges that he possessed the lab reports in November 2009, months before the time to file a motion for a new trial based on newly discovered evidence had expired. Despite his appellate assertion to the contrary, the circuit court did not have the discretion to waive that requirement.

Moreover, even if he had met that hurdle—which he did not—the lab reports do not provide exculpatory evidence nor even hint at the possibility that Mr. Blake may be actually innocent of the crimes. *See Faulkner v. State*, 468 Md. 418, 459-60 (2020) (The

requirement that newly discovered evidence “speaks to” the petitioner’s actual innocence “ensures that relief under [the statute] is limited to a petitioner who makes a threshold showing that he or she may be actually innocent, ‘meaning he or she did not commit the crime.’”) (quoting *Smallwood*, 451 Md. at 323)).

The evidence at trial established that the victim was murdered in the basement of 1921 Division Street and that Mr. Blake was present at time the incident unfolded. That evidence was based largely on the testimony of two eyewitnesses. The fact that Mr. Blake’s blood was not found in the basement a month after the murder, and that the blood found on the washing machine was not of human origin, does not suggest that Mr. Blake is innocent of the crimes for which he was convicted.

In sum, because Mr. Blake was not entitled to relief, the circuit court did not err in denying the petition or in ruling without a hearing.⁴

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

⁴ On appeal, Mr. Blake also seeks to challenge some of trial testimony of Detective Darrell Merrick. The State responds that, because Mr. Blake did not raise any issue related to Detective Merrick’s testimony in his petition for writ of actual innocence, any argument related to Det. Merrick is not before us in this appeal. We agree with the State.

SHAIDON BLAKE,

Appellant,

v.

STATE OF MARYLAND,

Appellee.

* IN THE
* COURT OF SPECIAL APPEALS
* OF MARYLAND
* SEPTEMBER TERM 2020
* No. 1499

* * * * *

ORDER

Upon consideration of the appellant's "Motion for Reconsideration," to which no opposition has been filed, it is this 21st day of September 2021, by the Court of Special Appeals,

ORDERED that the motion is denied.

THE CHIEF JUDGE'S SIGNATURE
APPEARS ON THE ORIGINAL OF THIS
DOCUMENT

Matthew J. Fader, Chief Judge



Appendix B

SHAIDON BLAKE

v.

STATE OF MARYLAND

* IN THE
* COURT OF APPEALS
* OF MARYLAND
* Petition Docket No. 15
* September Term, 2022
*
* (No. 1499, Sept. Term, 2020
* Court of Special Appeals)
*
* (Nos. 106177028 & 106177029,
* Circuit Court for Baltimore City)

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals and the supplement filed thereto, in the above-captioned case, it is this 27th day of May, 2022

ORDERED, by the Court of Appeals of Maryland, that the petition and the supplement be, and they are hereby, **DENIED** as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Matthew J. Fader
Chief Judge

Appendix C

West's Annotated Code of Maryland
Criminal Procedure (Refs & Annos)
Title 8. Other Postconviction Review (Refs & Annos)
Subtitle 3. Newly Discovered Evidence (Refs & Annos)

MD Code, Criminal Procedure, § 8-301

§ 8-301. Petitions for writ of actual innocence

Effective: October 1, 2018

Currentness

Claims of newly discovered evidence

(a) A person charged by indictment or criminal information with a crime triable in circuit court and convicted of that crime may, at any time, file a petition for writ of actual innocence in the circuit court for the county in which the conviction was imposed if the person claims that there is newly discovered evidence that:

(1)(i) if the conviction resulted from a trial, creates a substantial or significant possibility that the result may have been different, as that standard has been judicially determined; or

(ii) if the conviction resulted from a guilty plea, an Alford plea, or a plea of nolo contendere, establishes by clear and convincing evidence the petitioner's actual innocence of the offense or offenses that are the subject of the petitioner's motion; and

(2) could not have been discovered in time to move for a new trial under Maryland Rule 4-331.

Petition requirements

(b) A petition filed under this section shall:

(1) be in writing;

(2) state in detail the grounds on which the petition is based;

(3) describe the newly discovered evidence;

(4) contain or be accompanied by a request for hearing if a hearing is sought; and

(5) distinguish the newly discovered evidence claimed in the petition from any claims made in prior petitions.

Appendix B

Notice of filing petition

(c)(1) A petitioner shall notify the State in writing of the filing of a petition under this section.

(2) The State may file a response to the petition within 90 days after receipt of the notice required under this subsection or within the period of time that the court orders.

Notice to victim or victim's representative

(d)(1) Before a hearing is held on a petition filed under this section, the victim or victim's representative shall be notified of the hearing as provided under § 11-104 or § 11-503 of this article.

(2) A victim or victim's representative has the right to attend a hearing on a petition filed under this section as provided under § 11-102 of this article.

Hearing

(e)(1) Except as provided in paragraph (2) of this subsection, the court shall hold a hearing on a petition filed under this section if the petition satisfies the requirements of subsection (b) of this section and a hearing was requested.

(2) The court may dismiss a petition without a hearing if the court finds that the petition fails to assert grounds on which relief may be granted.

Power of court to set aside verdict, resentence, grant a new trial, or correct sentence

(f)(1) If the conviction resulted from a trial, in ruling on a petition filed under this section, the court may set aside the verdict, resentence, grant a new trial, or correct the sentence, as the court considers appropriate.

(2)(i) If the conviction resulted from a guilty plea, an Alford plea, or a plea of nolo contendere, when assessing the impact of the newly discovered evidence on the strength of the State's case against the petitioner at the time of the plea, the court may consider admissible evidence submitted by either party, in addition to the evidence presented as part of the factual support of the plea, that was contained in law enforcement files in existence at the time the plea was entered.

(ii) If the court determines that, when considered with admissible evidence, in addition to the evidence presented as part of the factual support of the plea, that was contained in law enforcement files in existence at the time the plea was entered, the newly discovered evidence establishes by clear and convincing evidence the petitioner's actual innocence of the offense or offenses that are the subject of the petitioner's motion, the court may:

1. allow the petitioner to withdraw the guilty plea, Alford plea, or plea of nolo contendere; and
2. set aside the conviction, resentence, schedule the matter for trial, or correct the sentence, as the court considers appropriate.

(iii) When determining the appropriate remedy, the court may allow both parties to present any admissible evidence that came into existence after the plea was entered and is relevant to the petitioner's claim of actual innocence.

(3) The court shall state the reasons for its ruling on the record.

Burden of proof

(g) A petitioner in a proceeding under this section has the burden of proof.

Appeal of conviction

(h) If the petitioner was convicted as a result of a guilty plea, an Alford plea, or a plea of nolo contendere, an appeal may be taken either by the State or the petitioner from an order entered under this section.

State's Attorney certification that conviction was in error

(i) On written request by the petitioner, the State's Attorney may certify that a conviction was in error, if:

(1) the court grants a petition for relief under this section;

(2) in ruling on a petition under this section, the court:

(i) sets aside the verdict or conviction; or

(ii) schedules the matter for trial or grants a new trial; and

(3) the State's Attorney declines to prosecute the petitioner because the State's Attorney determines that the petitioner is innocent.

Credits

Added by Acts 2009, c. 744, § 1, eff. Oct. 1, 2009. Amended by Acts 2010, c. 233, § 1, eff. May 4, 2010; Acts 2010, c. 234, § 1, eff. May 4, 2010; Acts 2017, c. 799, § 1, eff. Oct. 1, 2017; Acts 2017, c. 800, § 1, eff. Oct. 1, 2017; Acts 2018, c. 602, § 1, eff. Oct. 1, 2018.

MD Code, Criminal Procedure, § 8-301, MD CRIM PROC § 8-301

Current with legislation effective through July 1, 2021, from the 2021 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

West's Annotated Code of Maryland
Maryland Rules
Title 8. Appellate Review in the Court of Appeals and Court of Special Appeals
Chapter 100. General Provisions

MD Rules, Rule 8-131

RULE 8-131. SCOPE OF REVIEW

Currentness

(a) **Generally.** The issues of jurisdiction of the trial court over the subject matter and, unless waived under Rule 2-322, over a person may be raised in and decided by the appellate court whether or not raised in and decided by the trial court. Ordinarily, the appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal.

(b) **In Court of Appeals—Additional Limitations.**

(1) *Prior Appellate Decision.* Unless otherwise provided by the order granting the writ of certiorari, in reviewing a decision rendered by the Court of Special Appeals or by a circuit court acting in an appellate capacity, the Court of Appeals ordinarily will consider only an issue that has been raised in the petition for certiorari or any cross-petition and that has been preserved for review by the Court of Appeals. Whenever an issue raised in a petition for certiorari or a cross-petition involves, either expressly or implicitly, the assertion that the trial court committed error, the Court of Appeals may consider whether the error was harmless or non-prejudicial even though the matter of harm or prejudice was not raised in the petition or in a cross-petition.

Committee note: The last sentence of subsection (b)(1) amends the holding of *Coleman v. State*, 281 Md. 538 (1977), and its progeny.

(2) *No Prior Appellate Decision.* Except as otherwise provided in Rule 8-304(c), when the Court of Appeals issues a writ of certiorari to review a case pending in the Court of Special Appeals before a decision has been rendered by that Court, the Court of Appeals will consider those issues that would have been cognizable by the Court of Special Appeals.

(c) **Action Tried Without a Jury.** When an action has been tried without a jury, the 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.

Cross reference: Rule 2-519.

(d) **Interlocutory Order.** On an appeal from a final judgment, an interlocutory order previously entered in the action is open to review by the Court unless an appeal has previously been taken from that order and decided on the merits by the Court.

(e) Order Denying Motion to Dismiss. An order denying a motion to dismiss for failure to state a claim upon which relief can be granted is reviewable only on appeal from the judgment.

Source: This Rule is derived as follows:

Section (a) is derived from former Rules 1085 and 885.

Section (b) is derived from former Rule 813.

Section (c) is derived from former Rules 1086 and 886.

Section (d) is derived from former Rules 1087 and 887.

Section (e) is derived from former Rule 1009.

Credits

[Adopted Nov. 19, 1987, eff. July 1, 1988. Amended April 5, 2005, eff. July 1, 2005.]

MD Rules, Rule 8-131, MD R A CT AND SPEC A Rule 8-131

Current with amendments received through August 1, 2021. Some sections may be more current, see credits for details.

In The Circuit Court for Baltimore City

Shaidon Blake

v.

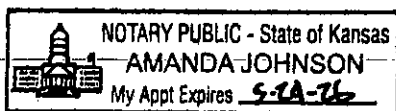
Case No. 106177028, 029

State of Maryland

Affidavit of Facts and Truth

I Shaidon Blake, do affirm and declare the following under the penalties of perjury:

1. I was not afforded a preliminary hearing
2. I was not served the amended complaint No. 106177029 Conspiracy to Commit 1st degree murder.
3. I filed for a speedy trial and did not waive my Hicks at no time.
4. I did not get the protection afforded me by the speedy trial right.
5. I gave my Direct Appeal attorneys, David Kennedy and Brian Murphy, information to add to my appeal, to include Brady, because of withheld LAB & DNA reports.
6. I gave my Post Conviction attorney Judith Jones evidence of Brady and withheld Lab & DNA reports to be raised and was advised to raise these issues in Post Conviction Hearing.
7. I, Shaidon Blake, did not kill or give the order to kill Terrence Randolph.



7-1-22

Shaidon Blake

Shaidon Blake #96323

July 1, 2022

Appendix E

RECEIVED

SHAIDON EMANUEL BLAKE
A/K/A SHIDON BLAKE
A/K/A SHAMVOY BLAKE
Petitioner

* 2011 AUG -8 PM 1:00
* IN THE
* CIRCUIT COURT
* BALTIMORE CITY
* CRIMINAL DIVISION
* BALTIMORE CITY

v.

Case No. 106177028-29

STATE OF MARYLAND
Respondent

P.C. No. 10319

* * * * *

MEMORANDUM OPINION

This matter comes before the Court pursuant to a Petition for Post Conviction Relief filed under the Uniform Post Conviction Procedure Act, Md. Code Ann., Crim. Proc. § 7-102. Based upon the Court's review of the record and transcripts in this case, the evidence presented at the post conviction hearing, the arguments of counsel, and the reasons stated herein, the Court finds the following:

BACKGROUND

Petitioner was tried jointly with two codefendants, Jermille Harvey and Janet Johnson, for the murder of Terrance Randolph. At trial, Mr. Dennis Laye represented Petitioner. Mr. Steven Sachs represented Mr. Harvey and Mr. William Welch represented Ms. Johnson. Petitioner was charged with first-degree murder, second-degree murder, carrying a concealed deadly weapon, carrying a deadly weapon with intent to injure, and conspiracy to commit first-degree murder. Following a seven-day jury trial ending on April 13, 2007, Petitioner was convicted of second-degree murder and conspiracy to commit first-degree murder and found not

Appendix F

100

guilty of both weapons charges and first-degree murder. He was subsequently sentenced to serve a term of life for conspiracy and thirty years for second degree murder.

The Court of Special Appeals affirmed the circuit court in an opinion filed on March 18, 2009. A Petition for Writ of Certiorari was denied on June 24, 2009.

Petitioner filed a *pro se* Petition for Post Conviction Relief on July 21, 2009 and mailed an Amended Petition to Chambers on October 25, 2009. The State filed a substantive response on May 17, 2010, and Petitioner's counsel filed a Supplemental Petition on August 24, 2010. This Court held a hearing on the merits on March 29, 2011. The Petitioner requests that this Court grant him a new trial.

At Petitioner's hearing, this court requested that counsel provide one list of allegations that she was presenting to this court because so many petitions with overlapping allegations had been filed. That list is included at the end of this opinion. This opinion first addresses the allegations raised in Petitioner's Supplemental Petition for Post Conviction Relief filed by counsel and next addresses those allegations that were raised *pro se* by Petitioner and included in the final list of allegations attached herein.

ALLEGATIONS OF ERROR

I. By counsel on behalf of Petitioner (Supplemental Petition for Post Conviction Relief)

- A. Trial counsel rendered ineffective assistance for failure to object to a voir dire method that deprived Petitioner of a fair and impartial jury.
- B. Trial counsel rendered ineffective assistance for eliciting and failure to object to admission of "other crimes" evidence and prejudicial hearsay and appellate counsel rendered ineffective assistance by failure to raise meritorious issues.

1. Trial counsel rendered ineffective assistance for failure to object to testimony of other bad acts connecting Petitioner to criminal gang culture: Detective Merrick of the culture of gangs
 2. Trial counsel rendered ineffective assistance by eliciting prejudicial hearsay concerning Petitioner's connection to known criminals: Suge Knight Connection
 3. Trial counsel rendered ineffective assistance for failure to object to testimony of other crimes evidence connecting Petitioner to two other murders. Appellate counsel rendered ineffective assistance for failure to raise this issue on appeal following a general objection to the admission of Petitioner's statement: The Danny Boy and Bloody Jesus Killings
 4. Trial and appellate counsel rendered ineffective assistance for failure to object to testimony of other crimes for which Petitioner was not charged: Mr. Blake sells heroin
 5. Appellate counsel rendered ineffective assistance for failure to raise meritorious issues.
- C. Trial Counsel rendered ineffective assistance for failure to object to the State's burden shifting remarks in closing.
- D. Trial Counsel rendered ineffective assistance for failure to object to an inconsistent verdict.
- E. The cumulative effect of these errors undermined the fairness and reliability of a just outcome at his appeal and on trial.

II. By Petitioner – Filed Pro Se (Petition for Post Conviction Relief and Amended Petition)

A. Violations of due process and equal protection under the law as stated in the 6th and 14th Amendments:

1. The admission of hearsay, specifically Detective Merrick's testimony that the nephew of a reputed gang member wrote Detective Merrick a statement which declared that Petitioner's purpose for being in Maryland was to organize gangs and collect dues was an error that violated Petitioner's due process and 6th amendment right to face his accusers in court.
2. The State improperly withheld evidence:
 - a. The state failed to provide Detective Merrick's conclusions as an expert on gangs in discovery and failed to name him as an expert witness on gangs though the State did list Detective Merrick as witness for its case in chief.
 - b. Requested DNA records were withheld.
 - c. Search warrants for 2329 Whittier Ave were withheld as well a search warrant to search Petitioner's mother's house.
 - d. Witness Kelly's trial statement was withheld.
 - e. Detective Fata's reports from L.A. county, which would have been exculpatory evidence, were withheld.

B. Abuse of discretion by the trial judge:

1. Judge Prevas coerced Wagner into testifying by threatening to incarcerate her if she did not. Had it not been for Judge Prevas's coercion of Wagner, the State's key witness would not have testified.

2. Judge Prevas asked excessive questions to witnesses and favored the State in his questions and bullied defense counsel, *contra* to *Smith v. State*, 182 Md. App. 444 (2008). He also led witnesses.
3. Judge Prevas instructed the jury to ignore the sworn statement of a State's witnesses and consider only her taped statement, depriving the jury of a source of reasonable doubt.
4. Judge Prevas admitted inadmissible evidence over the objection of Petitioner.
5. Judge Prevas did not properly enter a replacement tape into evidence before giving it to the jury (the jury requested a copy because the original was damaged during deliberation). Unlike the original tape, the copy and related transcripts named Petitioner instead of the assailant. This caused irreparable damage to Petitioner and was a violation of his due process rights.

C. Brady violations:

1. The State withheld evidence that witness Kelly was related to an employee in the crime lab and was an informant for the police. In so doing petitioner was denied due process because this evidence could have been used for impeachment.
2. The results of DNA tests of the knife, which were potential exculpatory material, were withheld from Petitioner. Further, other results were found.

3. The State never disclosed another known suspect to the defense, who could have been subpoenaed if his or her identity had been known.
4. The State withheld exculpatory evidence gathered from California by Detective Fata. Specifically, the State should have disclosed material from the Detective's investigation where several "taskforce officers and sheriffs responsible for all gang intelligence" said that they did not know petitioner and that he was not a gang leader.

D. Misconduct by the State:

1. Prosecutor Brian Fish used as a witness a person who was charged in another case. This was coercive and the witness testified that she was pressured into testifying.
2. The State knowingly used false testimony by not correcting a witness's incorrect statement that he was not receiving any promises or leniency. While testifying, Detectives Fata and Merrick also made claims that were shown to be false. This was material because their testimony linked Petitioner to the conspiracy charge.
3. The State made a burden-shifting remark that the Petitioner "can't prove his innocence." The judge's curative instruction was inadequate, as only a mistrial would be a suitable remedy. Trial counsel was ineffective for failing to object to this.
4. The State knowingly used perjured testimony when Kelly testified that he was not a gang member. Arrest reports show he was, and this could have been used to impeach his testimony (amended petition).

- E. There was insufficient evidence to support Petitioner's conviction (amended petition).
- F. The denial of severance motions under Md. Rule 4-252 and 4-253 was an abuse of discretion and denied Petitioner due process and equal protection of law (amended petition).

APPLICABLE LAW: POST CONVICTION PETITIONS

Under the Maryland Annotated Code, Criminal Procedure Section 7-102(a), a petitioner may file a post conviction petition to set aside or correct a judgment or sentence in the circuit court for the county in which the underlying conviction took place, provided that the alleged error has not been previously and finally litigated or waived in the proceedings resulting in the conviction, or in any proceeding that the Petitioner has initiated to secure relief from the conviction. The Post Conviction Procedure Act constitutes a procedural statute and does not create new grounds for granting relief. *Coleman v. State*, 221 Md. 30, 33 (1959). Post conviction proceedings are not to be used as "a substitute for remedies incident to trial or a direct appeal." *Fisher v. Warden*, 225 Md. 642, 643 (1961); *Barbee v. Warden*, 220 Md. 647 (1959). Rather, a post conviction petition is to be used as a collateral attack upon the legality of a petitioner's incarceration. *Davis v. State*, 285 Md. 19, 22 (1979).

The Petitioner bears the burden of proof in a post conviction proceeding. *State v. Hardy*, 2 Md. App. 150, 156 (Md. Ct. Spec. App. 1967). Thus, Petitioner must prove facts to establish his allegations, *Cirincione v. State*, 119 Md. App. 471, 504 (1998), *cert. denied*, 350 Md. 275 (1998), and sustain a "heavy" burden of proof, *Harris v. State*, 303 Md. 685, 697 (1985)

APPLICABLE LAW: WAIVER

Section 7-106 of the Criminal Procedure section of the Maryland Annotated Code states, in substantial part, that an allegation of error is deemed to be waived when a petitioner could have made, but intelligently and knowingly failed to make, such allegation before trial, at trial,

on direct appeal, or in another applicable proceeding (including a prior petition for post-conviction relief). In *State v. Rose*, the Court stated, "most rights, whether constitutional, statutory or common-law, may be waived by inaction or failure to adhere to legitimate procedural requirements." *Rose*, 345 Md. 238, (1997).

APPLICABLE LAW: INEFFECTIVE ASSISTANCE OF COUNSEL

To make out a claim of ineffective assistance of counsel, Petitioner must meet the two-part standard announced in *Strickland v. Washington*, 466 U.S. 668, 687 (1984) and applied to Maryland law in *Mosley v. State*, 378 Md. 548, 556-58 (2003). Throughout this analysis, "[c]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Strickland*, 466 U.S. at 690. In other words, Petitioner "must overcome the presumption that, under the circumstances, the challenged action 'might be considered sound trial strategy.'" *Id.* at 694 (internal citations omitted).

First, Petitioner must show that counsel's performance was deficient. *Id.* at 687. To establish deficient performance, Petitioner "must demonstrate that his counsel's acts or omissions were the result of unreasonable professional judgment and that counsel's performance, given all the circumstances, fell below an objective standard of reasonableness considering prevailing professional norms." *Oken v. State*, 343 Md. 256, 283 (1996) (citing *Strickland*, 466 U.S. at 687).

Second, Petitioner "must show that the deficient performance prejudiced the defense." *Strickland*, 466 U.S. at 687. To establish prejudice under *Strickland*, the petitioner "must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. The Court of Appeals has "interpreted the prejudice component to require a substantial or significant possibility, rather than a reasonable

probability, that but for counsel's unprofessional errors the result of the proceeding would have been different." *State v. Thomas*, 328 Md. 541, 557 (1992) (citing *Bowers v. State*, 320 Md. 416, 425-27 (1990)). The substantial or significant possibility standard is less demanding than the reasonable probability standard in *Strickland*, but still requires more than a mere showing that the absence of counsel's errors *might* "have produced a different result." *Bowers*, 320 Md. at 426.

FINDINGS OF FACT

II. Allegations filed by counsel in Supplemental Petition

A. Trial counsel rendered ineffective assistance for failure to object to a voir dire method that deprived Petitioner of a fair and impartial jury.

Petitioner argues that his counsel's failure to object to the voir dire method used during his trial deprived him of a fair and impartial jury. Petitioner argues that because the voir dire method employed was akin to those used in the *Wright* and *Height* cases it was ineffective assistance of counsel not to object to voir dire during his trial.

During Petitioner's trial, Judge Prevas called for 150 prospective jurors (T. 4/3/07 at 13). Upon arrival of the potential jurors, Judge Prevas stated that he would ask four groups of questions designed to determine whether or not each potential juror could be fair (T. 4/3/07 at 17). Judge Prevas also stated that each potential juror ought to interpret the questions broadly. *Id.* The first group of questions that Judge Prevas asked involved the relationship of the venire to any of the participants in the trial. The second group of questions involved predilections of the venire to give more weight to the testimony of defense or state witnesses. The third group of questions involved a potential juror's personal experience with the criminal justice system. The

fourth group of questions involved the feelings and opinions of the venire as related to the criminal justice system as well as a catchall question, (T. 4/3/07 at 17-18, 19-22, 73-74, 124-126). After each group of questions Judge Prevas asked the jurors who responded to form a line (T. 4/3/07 at 22). Judge Prevas then talked with each juror at the bench. *Id.*

Petitioner alleges that this voir dire was the same procedure that was disapproved of by the Court of Appeals in *Wright v. State*, 411 Md. 503 (2009) and *Height v. State*, 190 Md.App.322, (2010).¹ Regardless of whether or not this assertion is true, the *Wright* and *Height* cases were not decided until after Petitioner's trial. Counsel cannot be deemed to be ineffective by failing to object based on law that did not exist at the time of Petitioner's trial (*see e.g. State v. Calhoun*, 306 Md. 692, 706, 735 (1986), "counsel was not obliged to anticipate our holding in *Harris*"). Furthermore, during the post conviction hearing counsel testified that the voir dire method employed by Judge Prevas was not unusual for Baltimore City Circuit Court. Therefore, Petitioner has not overcome the presumption that Mr. Laye was exercising sound, reasonable professional judgment when Mr. Laye did not object to the voir dire, and relief is denied on this ground.

¹ In *Wright* the Court asked fifty jurors seventeen questions in a row without allowing for juror response until the end of the seventeen questions. Similarly, in *Height* the court asked eighty six jurors fifteen questions in a row. Petitioner is incorrect in asserting that the voir dire method used in this case was akin to those used in the *Wright* and *Height* cases. Though there are some factual similarities (certain jurors had to wait for close to an hour before talking with the judge and more than one question was asked at a time without allowing for an immediate response) the procedures used in the *Wright* and *Height* cases and this case were not identical. In *Wright* and *Height*, the judge asked all of the voir dire questions at once and then asked each juror to come forward to discuss his or her response to the questions posed. Here, Judge Prevas asked four groups of questions and asked the jurors to come up after each group of questions. Though the first group of questions arguably consisted of approximately fifteen questions as noted by Petitioner, unlike the questions in *Wright*, these questions were intentionally organized by theme by Judge Prevas: "enough questions to generate a decent crowd, but not so many that we can't keep track of. And did you notice how I sort of arranged them by theme." (T. 4/3/07 at 178).

B. Trial counsel rendered ineffective assistance for eliciting and failure to object to admission of "other crimes" evidence and prejudicial hearsay, and appellate counsel rendered ineffective assistance by failure to raise meritorious issues.

1. Trial counsel rendered ineffective assistance for failure to object to testimony of other bad acts connecting Petitioner to criminal gang culture: Detective Merrick on the culture of gangs.

Petitioner argues that trial counsel was ineffective for failing to object to Detective Merrick's testimony regarding gang culture. Petitioner argues that at the point in the trial in which the Detective's testimony was introduced there had been no testimony that any of the co-defendants were gang members or that they had participated in gang activities. Petitioner claims that trial counsel should have objected to Detective Merrick's comments regarding the meaning of "OG", "Food" and "DP'd" on relevancy grounds because these comments unfairly created an "aura of murderous behavior" (Supp. Pet. at 19).

The decision to object on the grounds alleged as opposed to other grounds is squarely within trial counsel's authority to make tactical decisions. *Oken v. State*, 343 Md. 256, 295 (1996). Though Petitioner is correct in stating that trial counsel did not object on relevancy grounds to the portions of Detective Merrick's testimony where he explained various terms used by gang members it is clear that Mr. Laye anticipated and attempted to mitigate any damage this testimony might have. Mr. Laye requested that the court not qualify the detective as an expert on gang testimony. (T. 4/4/07 at 28). Once Detective Merrick was qualified as an expert, Mr. Laye then carefully cross-examined the Detective concerning his qualifications. (T. 4/4/07, at 64-75). Mr. Laye's decision not to object to portions of Detective Merrick's testimony on relevancy

grounds does not suggest that his performance was deficient. Rather, it suggests that he chose to undermine the Detective's expertise and decided that the additional objection was unnecessary. This Court finds that Petitioner has failed to establish that trial counsel was ineffective in the manner in which he dealt with Detective Merrick's testimony regarding gangs and therefore denies the petition for post conviction relief on this allegation of error.

2. Trial counsel rendered ineffective assistance by eliciting prejudicial hearsay concerning Petitioner's connection to known criminals: Suge Knight Connection

Petitioner claims that his own trial counsel's questioning of Detective Merrick regarding Petitioner's connection with Suge Knight unfairly tainted Petitioner's actions. Petitioner is correct in that his own trial counsel drew out hearsay evidence during his cross-examination of Detective Merrick. However, one cannot assume that hearsay evidence is presumptively detrimental. Mr. Laye's questioning of Detective Merrick in this section reflects his theory of the case as described by counsel in Petitioner's post conviction hearing.

During the post conviction hearing, trial counsel testified that his theory of the case was that Mr. Blake was exaggerating about his gang membership and his strategy was to "disavow what his client said about being a member of a gang." Mr. Laye's questioning of Detective Merrick in regards to Suge Knight's nephew reflects this theory, where he establishes that Detective Merrick has very little information connecting Petitioner with gangs:

Counsel: But you, you don't know into what organization Mr. Blake falls or who sent him out here; is that correct?

Detective Merrick: I'm not sure, I believe, I'm not sure what the exact set was that he came from, no sir. (T. 4/4/2007 at 108).

Counsel: Who sent Mr. Blake out here?

Detective Merrick: I have no idea, sir. What he [Mr. Blake] said to me was, he was sent by - he's on a counsel in California...It would have to be in my opinion, it would be

someone above him had sent him out here to straighten things out. He never got into what sent him here. (T. 4/4/07 at 107).

This testimony coincides with Mr. Laye's description of his strategy at trial. Detective Merrick appears to know very little about Petitioner's connection to the Bloods, and the testimony that he offered emphasizes the fact that his information about Petitioner came primarily from Petitioner himself. Though perhaps not the strategy that post conviction counsel would have adopted, the examination certainly casts doubt on the reliability of information coming from Detective Merrick and on Petitioner's affiliation with the Bloods.

Petitioner's suggestion that the admission of this evidence was inappropriate because these are bad acts is misplaced. Petitioner correctly notes: "evidence of a defendant's prior criminal acts may not be introduced to prove that he is guilty of the offense for which he is on trial". *Straughn v. State*, 297 Md. 329, 333 (1983). Had Mr. Laye objected on the basis suggested by Petitioner, it is unlikely that his objection would have been sustained since the notoriety of Suge Knight is not a bad act committed by Petitioner. Therefore, Petitioner has failed to sustain his burden and relief cannot be granted on this ground.

3. Trial counsel rendered ineffective assistance for failure to object to testimony of other crimes evidence connecting Petitioner to two other murders. Appellate counsel rendered ineffective assistance for failure to raise this issue on appeal following a general objection to admission of Petitioner's statement:² The Danny Boy and Bloody Jesus Killing

Petitioner alleges that counsel's failure to specifically object to the admission of 'other crimes' evidence introduced through statements made by Jiordanna Wagner and Petitioner was

² In his petition, Petitioner alleges ineffective assistance of appellate counsel in this section and section four of part I. B.; however, these allegations are not explained until part e. Therefore, this court, like Petitioner, will address all allegations concerning ineffective assistance of appellate counsel in section five of part I. B.

ineffective assistance of counsel. The decision to object on the grounds alleged as opposed to other grounds is squarely within trial counsel's authority to make tactical decisions. *Oken v. State*, 343 Md. 256, 295 (1996). As discussed, Counsel objected to the introduction of these statements in their entirety a number of times. Objecting on the basis of other crimes evidence would have been inappropriate since neither the Danny Boy or the Bloody Jesus incidents were bad acts of Petitioner. In fact, Petitioner comments, "there was no direct connection between Mr. Blake and the murder of these two men. Nicholas "Bang Out" Floyd pled guilty to the Jesus Murder...Mr. Blake was nearby when Danny Boy was killed but not implicated in that murder," (Supp. Ptn at 32). Petitioner has failed to rebut the presumption that these decisions were reasonable by merely stating a fourth basis upon which Counsel could have objected. Accordingly, this Court denies Petitioner's request for post conviction relief on this allegation of error.

4. Trial and appellate counsel rendered ineffective assistance for failure to object to testimony of other crimes for which Petitioner was not charged: Mr. Blake sells heroin

Petitioner alleges that it was ineffective for counsel to have failed to object to testimony introduced in a taped interview between Mr. Blake and Detective Fata. Petitioner asserts that trial counsel should have moved to redact the portions of the statement dealing with previous crimes committed by Mr. Blake.

Petitioner presents an inaccurate representation of the facts underlying this allegation of error because trial counsel sought to prohibit the admission of this testimony by making a motion to suppress the tape-recorded statement on voluntariness grounds (T. 3/29/07 at 35-48) and by continually objecting to its introduction (T. 4/5/07 at 173, "I anticipate he is about to play the tapes and I'd like to renew my objection to the State - The Court: All right. I'll overrule for the

same reason". T. 4/10/07 at 61, "The Court: Same objection, overruled for the same reason. Mr. Laye: Yes, your honor.") Once the evidence was admitted over Mr. Laye's argument and repeated objection, counsel's decision not to object to Petitioner's statement regarding his sale of heroin might well have been a strategic decision. Maryland courts recognize that "it is sound practice to prevent juries from thinking a litigant is hiding something or in drawing attention to an issue by objecting." *State v. Colvin*, 314 Md. 1, 22 (1988), *Catala v. State*, 168 Md. App. 438, 466 (2006).

Petitioner's recitation of cases from other jurisdictions that have found ineffective assistance of counsel for failure to object to other crimes evidence are irrelevant because none are binding on this court. This Court finds that Petitioner fails to prove that trial counsel's alleged failure to object to "other crimes" testimony was deficient and accordingly denies his petition for post conviction relief based on this allegation of error.

5. Appellate counsel rendered ineffective assistance for failure to raise meritorious issues.

Petitioner alleges that appellate counsel's decision to address the admissibility of Petitioner's statement solely in terms of a *Miranda* violation, where the Court of Special Appeals held that this issue was not preserved, was ineffective assistance of counsel. The decision to raise an issue on appeal is quintessentially a tactical decision of counsel. *Oken v. State*, 343 Md. 256, 271 citing *Hunt v. Smith*, 856 F. Supp. 251, 257 (D. Md. 1994). A presumption therefore exists that counsel was acting reasonably in raising certain issues and not raising others on appeal. Here, Petitioner has not overcome the presumption that counsel was acting reasonably in contesting the admission of Mr. Blake's statement on *Miranda* grounds alone. Had counsel appealed on "other crimes" grounds as suggested by Petitioner the appellate court would have had to review this claim under an abuse of discretion standard, ("We begin our analysis by

repeating that the trial court is afforded great deference in its rulings on admissibility of evidence and that rulings as to relevancy will not be disturbed on appeal, unless there is a clear abuse of discretion,” *Ware v. State*, 360 Md. 650, 673 (2000)). By contrast, challenging the admissibility of Petitioner’s statement based on *Miranda* warranted a hybrid standard of review:

“The following standard of review is applicable to the rulings of the suppression hearing court: ‘We defer to the motions court’s factual findings and uphold them unless they are shown to be clearly erroneous. *State v. Luckett*, 413 Md. 360, 375 n.3, 993 A.2d 25, 33 n.3 (2010). We, however, make our own independent constitutional appraisal, by reviewing the relevant law and applying it to the facts and circumstances of this case.’” *Id.*, 993 A.2d at 33 n.3 (quotation marks and citation omitted).

Robinson v. State, 419 Md. 602, 611-612 (2011). Therefore, in opting to challenge the admission of Petitioner’s statement on *Miranda* grounds not only did appellate counsel ensure a more generous standard of review but a ruling in favor of Petitioner under *Miranda* would have led to the suppression of Petitioner’s entire statement, whereas a ruling in favor of Petitioner based on “other crimes” grounds would have only led to a suppression of the portions of the statement that involved “other crimes evidence”.³ Moreover, appellate counsel is not required to raise every single non-frivolous issue. (Justice Jackson stated “ ‘One of the first tests of a discriminating advocate is to select the question or questions, that he will present orally...The mind of an appellate judge is habitually receptive to the suggestion that a lower court committed

³ The fact that the appellate court held that the issue of whether Petitioner had been advised of his *Miranda* rights was not preserved does not retroactively render counsel’s judgment to be unreasonable. In its decision, the Court of Special Appeals held that this question was not preserved because defense counsel argued only that the State failed to meet its burden in showing the voluntariness of Blake’s statements and did not specifically present argument during the suppression hearing regarding *Miranda* (*Blake v. State*, No. 989, slip op. at 3-4 (Md. App. Mar. 18, 2009)). However, in ruling on this motion to suppress, Judge Prevas relied on a number of cases involving *Miranda* and ultimately cited to *Miranda* in his ruling: “I’m satisfied from the evidence that I heard that the detective complied with *Miranda* and he elicited a voluntary statement, there being no threats, promises, inducements or anything that bore on Defendant’s will. The statements shall be admitted” (T. 3/29/07 at 48). Therefore, it is not per se unreasonable to have assumed that an argument based on *Miranda* would have been preserved for appellate review.

an error. But receptiveness declines as the number of assigned errors increases. Multiplicity hints at lack of confidence in any one...”). *Jones v. Barnes*, 463 U.S. 745, 752 (1983) *citing* Jackson, *Advocacy Before the United States Supreme Court*, 25 Temple L.Q. 115, 119 (1951). Therefore, Petitioner has failed to establish his burden that his counsel’s decision to challenge the admissibility of Petitioner’s statement only on Miranda and not on relevancy or “other crimes” grounds was objectively unreasonable.

C. Trial Counsel rendered ineffective assistance for failure to object to the State’s burden shifting remarks in closing.

Petitioner alleges that trial counsel rendered ineffective assistance of counsel by not objecting to burden shifting remarks made by the State’s Attorney in his closing argument. In response to an objection made by Mr. Sachs, counsel for Defendant Harvey, Judge Prevas gave a cautionary instruction to the jury (T. 4/11/07, at 51). Notably, after the curative instruction was given Mr. Sachs moved for a mistrial though Mr. Laye did not (T. 4/11/07 at 52). The decision of whether or not to move for a mistrial is certainly one of trial strategy and Petitioner has not sustained his burden to show that the failure to move for a mistrial or to lodge an independent objection to the remark was objectively unreasonable. Furthermore, Mr. Laye began his closing argument with a reference to the curative instruction, “Ladies and gentleman, as Judge Prevas just told you, contrary to what Mr. Fish says, I don’t have to convince you of anything” (T. 4/11/07 at 53). It is entirely plausible that Mr. Laye believed that the trial was going relatively well for Petitioner and that another trial may have led to a worse outcome for Petitioner. Therefore, Petitioner has failed to rebut the presumption that Mr. Laye was exercising reasonable judgment in refraining from objecting or moving for a mistrial at this point in the trial.

This Court finds that Petitioner fails to prove that trial counsel's alleged failure to object to the state's burden shifting remarks in closing was deficient and accordingly denies his petition for post conviction relief based on this allegation of error.

D. Trial Counsel rendered ineffective assistance for failure to object to an inconsistent verdict.

Petitioner alleges that trial counsel rendered ineffective assistance of counsel for failing to object to an inconsistent verdict, resulting in an unfair trial. Petitioner asserts that the verdict was inconsistent in two ways: 1) that it was inconsistent to find Petitioner guilty of conspiracy to commit first degree murder and second degree murder without finding Petitioner guilty of first degree murder and 2) that it was inconsistent to find Petitioner guilty of second degree murder but not of the weapons charges. The verdict as to the findings of guilt of second-degree murder and conspiracy to commit first-degree murder but not guilty of first-degree murder or any of the weapons charges is not an inconsistent verdict (*see Hudson v. State*, 152 Md. App. 488, 515 (2003)). Therefore, counsel was not ineffectual for failing to object.

E. Cumulative errors

Petitioner alleges that the cumulative effect of the above errors undermined the fairness and reliability of the outcome of his trial and his appeal. However, there can be no cumulative errors where there are no individual errors. *Harris v. State*, 160 Md.App. 78, 113 (2004). This Court finds that Petitioner fails to prove that either trial counsel or appellate counsel made errors significant enough to have prejudiced the Petitioner and, accordingly, denies his petition for post conviction relief on this allegation of error.

II. The following issues were raised in Petitioner's pro se petition for post conviction relief and his amended petition:

A. Violations of due process and equal protection under the law as stated in the 6th and 14th amendments

1. **The admission of hearsay, specifically Detective Merrick's testimony that the nephew of a reputed gang member wrote Detective Merrick a statement which declared that Petitioner's purpose for being in Maryland was to organize gangs and collect dues was an error that violated Petitioner's due process and 6th amendment right to face his accusers in court. Further, Petitioner alleges that because of "suppression of statement to detective", he was unable prepare a proper defense.**

Petitioner adds that the admission of this testimony was "plain error".

First, this assertion is unduly vague and has an inadequate factual basis. Upon analysis of the transcript, it does not appear that the nephew wrote a statement concerning Petitioner. There is simply language indicating that he talked with the Detective about Petitioner. Second, the hearsay testimony to which Petitioner most likely refers was actually brought up by his counsel on cross-examination. Therefore, there was no failure to object and relief cannot be granted on this ground.

2. **The State improperly withheld evidence:**

- a. **The state failed to provide Detective Merrick's conclusions as an expert on gangs in discovery and failed to name him as an expert witness on gangs though the State did list Detective Merrick as a witness for its case in chief.**

While Petitioner claims that failure to identify Detective Merrick as an expert and to describe his expertise violated his due process and equal protection rights under the sixth and

fourteenth amendments, if anything, such a failure would simply be a violation of the Maryland rules. A violation of the Maryland Rules is not a per se violation of a due process right. Such a concern could have been raised during trial or on appeal and is therefore waived.

b. Requested DNA records were withheld

This is a bald allegation. There is no evidence to support the notion that the state had DNA test results and intentionally withheld them until the end of the trial. Furthermore, this allegation is waived since it could have been raised at trial or on direct appeal.

c. Search warrants for 2329 Whittier Ave were withheld as was a search warrant to search Petitioner's mother's house.

Petitioner cites Maryland rule 4-601(g) requiring the disclosure of search warrants upon the filing of an affidavit. There is no evidence that an application under the rules was filed or a basis for concluding that even if filed that Petitioner was a person entitled to inspect or copy the warrant. Therefore, relief cannot be granted on this ground.

d. Witness Kelly's trial statement was withheld.

This is a bald allegation and appears to have been waived. Witness Kelly testified at trial, and it is unclear what the Petitioner is referring to when he asserts that witness Kelly's trial statement was "withheld". Therefore, relief cannot be granted on this ground.

e. Detective Fata's reports from L.A. county, which would have been exculpatory evidence, were withheld.

This is a bald allegation since Petitioner does not explain how such reports would have provided exculpatory evidence nor does he describe these reports. Further, it has been waived. Therefore, relief cannot be granted on this ground.

B. Abuse of discretion by the trial judge

- 1. Judge Prevas coerced Wagner into testifying by threatening to incarcerate her if she did not. Petitioner states that had it not been for Judge Prevas's coercion, Wagner, the State's key witness, would not have testified. Further, Petitioner contends that Wagner's lawyer who sat next to her during her testimony "whispered in her ears the answers".**

This allegation is waived. Trial counsel did not object to Wagner's lawyer sitting next to her and whispering answers "in her ears" nor was this issue raised on appeal. Therefore, relief cannot be granted on this ground.

- 2. Judge Prevas asked excessive questions to witnesses and favored the State in his questions and bullied defense counsel, *contra* to *Smith v. State*, 182 Md. App. 444 (2008). He also led witnesses.**

The law permits defendants to raise and litigate claims of trial judge bias in post conviction proceedings. *Dailey v. Warden*, 3 Md. App. 425 (1968). Petitioner alleges that Judge Prevas asked leading questions of witnesses and "bullied" defense counsel throughout the trial. The question, as articulated in *Smith v. State*, 182 Md. App. 444, 489 (2008), is whether:

[T]he trial court's questioning blurred the "fine line between assisting the jury by bringing out facts and 'sharpening the issues,' which is permissible, and influencing the jury's assessment of facts or of a witness's credibility by indicating his own opinions, which is not permissible." *Leak*, 84 Md. App. at 363-64. It is not the mere number of questions posed by the trial court that causes our concern. *See Jefferies v. State*, 5 Md. App. 630, 248 A.2d 807 (1969) (the fact that the trial judge asked forty-seven questions of the State's witnesses and 108 questions of defense witness was not, in and of itself, evidence that the defendant received an unfair trial). It is rather the degree to which these questions risked influencing the jury, from their vantage point of viewing the entire proceeding, to adopt what appeared to be the trial court's "point of view" with respect to the facts of the case.

Smith, 182 Md. App. at 489. It is evident from the trial transcript that Judge Prevas did not bully defense counsel or favor the state. In fact there are at least two instances in the transcript where the judge seems to favor defense counsel, he reprimanded the state's attorney for interrupting "did I tell you you could speak," and the judge questions Detective Merrick about whether he gave Miranda warnings, (T. 4/4/07 at 88). Petitioner points to absolutely no evidence that suggests that the judge in any way bullied defense counsel or gave preferential treatment to the state. Therefore, this is a bald allegation, and, though Maryland courts have granted post conviction relief on the basis of trial judge bias, Petitioner has failed to allege any facts that point to bias in this case.

3. Judge Prevas instructed the jury to ignore the sworn statement of a State's witnesses and consider only her taped statement, depriving the jury of a source of reasonable doubt.

This is a bald allegation. There is nothing that this court could locate in the record that indicates that Judge Prevas made such a statement. Furthermore, the claim is waived since any matter concerning the abuse of discretion of a trial judge should be raised on appeal. Therefore, relief cannot be granted on this ground.

4. Judge Prevas admitted inadmissible evidence over the objection of Petitioner.

This allegation is unduly vague and does not generate a complaint to which the court can respond. Under *Duff v. Warden of Md. Penitentiary*, the defendant must produce some specific grounds for this claim. *Duff*, 234 Md. 646 (1964). The petition merely states: "Over objection Judge allowed inadmissible evidence to be presented to jury. Same evidence over objection was allowed into deliberation room." This claim can only be entertained through an exhaustive study

of the transcript and further speculation as to what piece or pieces of evidence Petitioner is attacking.

5. **Judge Prevas did not properly enter the replacement tape into evidence before giving it to the jury (the jury requested a copy because the original was damaged during deliberation). Petitioner states that unlike the original tape, the copy and provided transcripts named Petitioner instead of assailant. This caused irreparable damage to Petitioner, who did not get to examine the copy of the tape before it was given to the jury and argues that this was a violation of his due process rights.**

This allegation is waived since it was not raised at trial or on appeal. Even if it were not waived Petitioner provides no factual basis for this allegation and therefore, relief cannot be granted on this ground.

C. Brady violations

1. **The State withheld evidence that witness Kelly was related to an employee in the crime lab and was an informant for the police. In so doing petitioner was denied due process because this evidence could have been used for impeachment.**

Petitioner did not address this in his testimony at the hearing and provided no factual basis for this assertion in his pro se petition. Therefore, this is a bald allegation that lacks merit.

2. **The results of DNA tests of the knife, which were potential exculpatory material, were withheld from Petitioner. Further, there were other results found.**

This is a bald allegation made by Petitioner. He provides no facts to support this assertion that DNA tests were performed on the knife or that these tests were withheld from the Petitioner.

Petitioner must provide facts to support his allegations and none were provided here. Therefore, this statement is a bald allegation and relief cannot be granted on this ground.

- 3. State never disclosed another known suspect to the defense, who could have been subpoenaed if his identity had been known.**

This assertion is a bald allegation. While its true that it is error for the police to fail to disclose information they have which indicates that another person committed the crime (*Bloodsworth v. State*, 307 Md. 164 (1986)), Petitioner has offered no evidence to support this assertion and therein has failed to satisfy his burden of proof. Therefore, relief shall not be granted on this ground.

- 4. The State withheld exculpatory evidence gathered from California by Detective Fata. Specifically, Petitioner asserts that the State should have disclosed material from the Detective's investigation where several "task force officers and sheriffs responsible for all gang intelligence" said that they did not know Petitioner and that he was not a gang leader.**

This is also a bald allegation. No evidence was presented to support this allegation; therefore, relief is denied.

D. Misconduct by the State

- 1. Prosecutor Brian Fish used a person who was charged in another case as a witness. This was coercive and the witnesses testified that she was pressured into testifying.**

The record reveals that a Jiordanna Wagner, a State's witness, testified under an immunity agreement in Petitioner's case. Ms. Wagner was charged with being an accessory after the fact in Petitioner's case and an unrelated murder case. In exchange for her testimony in Petitioner's case, the State offered Ms. Wagner immunity in both cases and the charges against

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her were not pressed after she testified. Ms. Wagner was represented by counsel and Mr. Fish gave her a benefit in exchange for her testimony. Petitioner cites no authority for the proposition that it is prosecutorial misconduct to call a cooperating witness. Ultimately, it was the trial judge and not Mr. Fish who ordered her to testify. Therefore, Petitioner adduced no evidence of prosecutorial misconduct and this claim is devoid of merit.

- 2. The State knowingly used false testimony by not correcting a witness's incorrect statement that he was not receiving any promises or leniency. While testifying, Detectives Fata and Merrick also made claims that were shown to be false. This was material because their testimony was, that linked Petitioner to the conspiracy charge.**

It has long been held that the knowing use of perjury by the prosecutor denies a defendant a fair trial and hence constitutes a basis for granting post conviction relief. *Mooney v. Holobom*, 294 U.S. 103 (1935). The burden of proof is upon the Petitioner. *Lyde v. Warden*, 1 Md. App. 423 (1967). In order for testimony to qualify as perjury, it must be shown that the witness intended to testify falsely, not simply that the witness made a mistake. *State v. Mercer*, 101 Md. 535 (1905).

Petitioner has not met his burden of proof here and his assertions are all unduly vague since he does not specify what claims Detective Merrick and Fata made that were shown to be false. In fact, the Petitioner does not allege any circumstances that would explain or excuse his failure to raise this objection during trial.

This Court finds that Petitioner fails to prove his assertion that the state knowingly used perjured testimony and therefore denies the petition for post conviction relief on this allegation of error.

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3. The State made a burden-shifting remark that the Petitioner "can't prove his innocence." The judge's curative instruction was inadequate, as only a mistrial would be a suitable remedy. Trial counsel was ineffective for failing to object to this.

These issues were not raised on appeal and are accordingly waived. The issue of ineffective assistance of trial counsel on the ground of failing to object is not waived, though petitioner has not overcome the presumption that this was a tactical decision (see supra. Part three section one).

4. State knowingly used perjured testimony when Kelly testified that he was not a gang member. Arrest reports show he was, and this could have been used to impeach his testimony (amended petition).

This is a bald allegation. Petitioner offered no evidence during his hearing and there is little else on the record indicating that the state knowingly used perjured testimony. Therefore, relief cannot be granted on this ground.

E. There was insufficient evidence to support Petitioner's conviction (amended petition).

Petitioner argues that there was insufficient evidence to support his second degree murder and conspiracy to commit first degree murder convictions. He asserts that no evidence was presented to show that he acted with specific intent and that additional evidence was needed to corroborate alleged accomplice testimony.

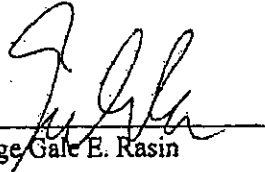
Relief on this allegation is denied because it concerns a matter for which post conviction relief may not be granted. The post conviction statute is not a substitute for remedies incident to trial proceedings. Crim. Proc. Art., § 7-107(a). Questions concerning the sufficiency of the evidence may be raised at trial or by direct appeal. Since these other proceedings are available for litigating the issue, the issue may not be litigated in a post conviction proceeding ("We have

repeatedly held that questions of the petitioner's guilt or innocence, or the sufficiency of the evidence to convict, are not open on post conviction"). *State v. Brown*, 235 Md. 401, 404 (1964).

F. Denial of severance motions under Md. Rule 4-252 and 4-253 was an abuse of discretion and denied Petitioner due process and equal protection of law (amended petition).

Petitioner asserts that his motion to sever should have been granted. Petitioner seems to assert three grounds to support this argument: 1) that severance was necessary to safeguard the Petitioner from being seen as "guilty by association" due to the overwhelming evidence against his co-defendants, 2) evidence that one co-defendant had been involved in a stabbing and the other had drug related charges prejudiced the Petitioner, and 3) had he been tried alone there would have been no evidence to convict aside from his association with the co-defendants. Petitioner did not raise the issue of severance on appeal. Therefore, this issue has been waived.

WHEREFORE, the Petition for Post Conviction relief is DENIED.



Judge Gale E. Rasin

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CIRCUIT COURT
BALTIMORE CITY CIRCUIT COURT
CRIMINAL DIVISION

Shaidon Blake,

Petitioner

v.

* FOR

STATE OF MARYLAND,

* BALTIMORE CITY

Respondent

* Case No. 106177028-29


* Post Conviction No. 10319

* * * * *

ORDER

Upon consideration of the Petition for Post Conviction Relief, the evidence presented at the hearing of March 29, 2011, and the arguments of counsel, it is this 5th day of August, 2011, by the Circuit Court for Baltimore City:

ORDERED that the Petition for Post Conviction Relief is **DENIED**.



Gale E. Rasin
Judge

In The United States District Court for Maryland

Shaideron Blake *KDDC #96323 *
Petitioner MD. Doc # 343938 *

v. * *

State of Maryland * Case No. 106177028, 29

Maryland Dept. of Corrections *

Kansas Dept. of Corrections *
Baltimore City Police Dept. *

* * * Defendants * * * * *

Motion for Appropriate Relief Pursuant to Fed. R. Civ. P. 60 (b)

Here comes Shaideron Blake pro se, petitioning this Honorable Court for appropriate relief from the conviction and sentence in the above captioned case.

The pleading before this Honorable Court is based on a claim of fraud on the court, committed by the States Attorneys office against the petitioner. Under Fed. R. Civ. P. 60 (b), It permits a party to overturn a judgement long after it has been final. This rule does not limit the power of the court.

When alleging a claim of fraud ^{on} the court, the plaintiff/petitioner must show by clear and convincing evidence that there was fraud in the court and all doubts must be resolved in favor of finality of the judgement. Fraud on the court is fraud that is directed to the judicial machinery itself and is fraud where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function - thus where the impartial functions of the court have been directly corrupted.

In *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1338 (5th Cir. 1978), the court summarized the doctrine as follows: Generally speaking, only the most

Appendix G

egregious misconduct such as bribery of a judge or member of a jury, or the fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud on the court. (see also 7 Moore's Fed. Practice P 60.33 at 60-360) fraud on the court should embrace only that species of fraud which does or attempts to subvert the integrity of the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication; fraud on the court is tightly construed because the consequences are severe. As stated, rule 60(b) does not limit the power of the court to set aside a judgment for fraud upon the court, thus it runs counter to the strong policy of judicial finality.

Robinson, 56 F.3d at 1265-67; see Moore's Federal Practice P 60.33 at 60-357, 358, 360-61. In Hazel-Atlas Co. v. Hartford Co., 323 U.S. 238, 245-46, 88 L.Ed. 1250, 64 S.Ct. 997 (1944) overruled on other grounds by Standard Oil of Cal. v. U.S. 429 U.S. 17, 50 L.Ed. 2d 21, 97S.Ct. 31 (1976), the Supreme Court found fraud on the court in a "deliberately planned and carefully executed scheme to defraud not only the pattern office but the court of appeals." See also Aoude v. Mobil Oil Corp. 892 F.2d 1115, 1118-19 (1st Cir. 1989) finding fraud on the court when plaintiff and attorney fabricated false purchase agreement and attached it to complaint.

Statement of facts

On April 3, 4, 5, 10 and 11, 2007 petitioner was tried for 1st degree murder, 2nd degree murder, possession and use of a deadly weapon, and conspiracy to commit 1st degree murder. Petitioner was convicted of 2nd degree murder and conspiracy to commit 1st degree murder, and acquitted of all the other charges. This single victim crime had several co-defendants,

two which stood trial with the petitioner. The issue at hand is the fraud committed on the court by Assistant States Attorney Brian Fish on behalf of the State of Maryland as the prosecuting Attorney. Also this fraud was perpetrated by Baltimore City Police Department. The States Attorneys office, together with the Baltimore City Police Department committed a fraud against the court by conspiring to convict the petitioner through the egregious misconduct of the fabrication of evidence, with the intent to "subvert the integrity of the court and due process. The fraud prevented the judicial machinery from performing "in the usual manner, its impartial task of adjudging cases that are presented for adjudication."

This was done when the state suborned perjury through Detective Merricks false testimony under Oath. fraud on the courts is not merely a false statement or perjury, but when "the impartial functions of the court have been directly corrupted", or "where the court or a member is corrupted or influenced, or influence is attempted."

The Assistant States Attorney allowed its witness, Detective Merrick to perjure himself during cross examination when he testified that a suspect in custody for a unrelated crime, was video recorded during a interrogation. During this interrogation, this suspect known to the courts only as "Bloody Eyes", according to Detective Merrick, states the petitioner was in Baltimore, sent by the gangs of California, essentially as a hit man or fixer. This testimony from an out of court declarant violated the confrontation clause, Brady discovery law, because this video recorded interview, which is considered "work product" and subjected to discovery laws, was never presented to the petitioner in order to prepare a proper defense, but it also is

a complete "Sham" because this person, Bloody Eyes, never existed. He was said to be Death Row Records owner, Marion Suge Knight's nephew, in order to bolster the states credibility, but Mr Knight did not participate in any statement against the petitioner, and neither did any nephew of his. In the states closing, A.D.A. Brian Fish again reiterated the false claim his witness made about Suge Knight's nephew giving damaging statements against the petitioner (Trial Tr. Vol II pg 34, lines 12-20, 4-11-2007) (Also During cross examination of Detective Merrick)

During cross of Detective Merrick the court belabored the connection between the petitioner and Mr Knight and this nephew who gave this video recorded interview. A video interview no one has seen, ever. But the jury considered it as credible evidence. The state is responsible for all of its witnesses and has a duty to correct any false testimony. Instead, A.D.A. Fish furthered the shakedown, conspiring with Detective Merrick to influence the jury with fabricated evidence.

Conspiracy exists when two or more parties come together in agreement, a meeting of the minds, even if only for a quick moment, to accomplish a criminal act. This same instruction was given at the petitioners trial so the state was well aware of the definition and the consequences of conspiring in violation of not only ethics but the civil rights of the petitioner.

Once the states witness, Detective Merrick testified false about a fictitious witness, a man who the state knew didn't exist, the state had a duty under the law to correct the problem. Instead the state allowed the jury to be tainted with lies and also participated in this lie, the definition of conspiracy and fraud on the court. Once the court

was presented with fabricated evidence, A fraud was committed against the court, removing its ability to properly function. The state, at no time had access to this video recorded interview of this out of court declarant, because none exists. Even after the fraud was committed, the petitioner made many attempts to access this video recorded interview, as was his right, protected by the U.S. Constitution under Due Process and the right to have a fair trial and impartial jury, and right to prepare a proper defense. All which the petitioner was denied by this conspiracy and fraud.

The States conspiracy with the Baltimore City Police is proven because its a fact, neither party has ever seen this video interview, nor can it be produced. Mr Knight is prepared to testify that he never spoke at any time to any law enforcement from Maryland, and he does not have any nephew by the name of 'Bloody Eyes' or that have ever spoke to any law enforcement in Maryland. This declaration substantiates petitioners claims of conspiracy and fraud on the courts.

These facts are material because Mr Knight's popularity as a celebrity and as a gangster made the petitioner guilty by association. Giving him the propensity to commit the crime accused because being associated with a crime boss who committed the same crimes. Also, if the testimony was a mistake, then once the Detective gave the false statement, the HDA would have corrected him. Brian fish knew this video did not exist, just like he knew he never presented it to the defense in discovery as the law required. The police are looked at as credible witnesses, Civil Servants who risk their lives to do the job of keeping our citizens safe, so a unlawful burden is put on each defendant who has to compete with a testifying police officer, so its

imperative that this Honorable Court safeguard the petitioners rights that are protected by the U.S. Constitution and State laws.

The state, through A.D.A. Fish also committed fraud on the court by the intentional misrepresentation of vital withheld Lab report. This report was results of blood found at the crime scene used as linkage evidence to connect this body found in the alley, to the basement of a house the petitioner frequented. First of all, this vital piece of evidence was not made available in discovery, then the state through testimony and closing arguments stated the blood found on the washing machine positively belonged to the victim. Without the Lab reports it was impossible to refute this testimony. The true report states "presumptive testing for blood, positive. Human origin testing, negative." This makes it impossible for the author of the report, or the state, who presented this evidence, to mistakenly misrepresent this key piece of evidence.

This is material because, it was this evidence that gave the jury the impression the victim was killed in the basement and scientific evidence confirmed it. Truth is, scientific evidence did not confirm this, but illegal fraudulent acts of misconduct by the state illegally swayed the jury with false evidence.

Also withheld was vital DNA report that cleared the petitioner, but more importantly identified "Unknown Male 1" as the contributor to most of the samples collected, and all on the body. By withholding this vital report, the state denied the court and its participants the ability to effectively perform its duty, crippling the proper functioning of the court; in doing so, denied petitioner his Due Process and Equal Protection under the law. This constitutes a fraud on the courts.

For these reasons, an evidentiary hearing is required to establish the facts so that all doubt, that must be resolved can be elevated, in the favor of the finality of the judgement.

The petitioner humbly PRAYS THIS HONORABLE COURT schedule a hearing on the matter; or grant any and all relief this honorable Court deem just and fair.

Respectfully Submitted,

Sheldon Blake ^{PL} 96323

EDCF PO Box 311

EL Dorado, KS, 67042

Certificate of Service

A copy of this motion was mailed to the office of the

at

this — day of — 2022 by U.S. Mail.

This is true under the penalties of perjury.



5-23-22

In The United States District Court for Maryland

Shaidon Blake K.D.C. # 96323 *

Petitioner

MD.D.C. # 343938 *

v.

* Case No. 106177028, 29

State of Maryland, et. al.
Respondent

*

Supplement Motion for Appropriet Relief Pursuant to Fed. R. Civ. P. 60(b)

Here Comes Shaidon Blake pro se, supplementing motion for Appropriet Relief.

Petitioners claim of fraud on the court supported by the trial record substantiates petitioners claim of insufficient evidence to convict. Without the prosecutorial misconduct, the state would not have made the burden required to prove the petitioner guilt beyond a reasonable doubt. As in State v. Chandler, 302 Kan. 657, the prosecutor committed misconduct by falsely misrepresenting the evidence to paint a picture not accurate. In Chandler, the prosecutor falsely stated that the murder victim had an order of protection against the defendant because the misstatement conveyed serious adverse impressions to the jury; they improperly declared that a judge independently reviewed defendants behavior and concluded she was dangerous enough to justify a court order for the victims protection, and told the jury that the defendant was so out of control that she violated that court order; the prosecutors misconduct was not harmless because the error prejudiced defendants right to a fair trial; there was no direct evidence of guilt, the circumstantial evidence was sufficient but not over whelming, and there was no physical evidence tending to place

defendant at the crime scene. When the sufficiency of evidence is challenged in a criminal case, the standard of review is whether, after reviewing all evidence in a light most favorable to the prosecution, the appellate court is convinced a rational fact finder could have found the defendant guilty beyond a reasonable doubt. Appellate Court do not reweigh evidence, resolve evidentiary conflicts, or make witness credibility determinations.

The prosecution is committing fraud on the court, coerced the jury with false statements just like in Chandler, and because circumstantial evidence and the logical inference properly drawn from that evidence can be sufficient to support a conviction, even for the most serious crimes, the prosecution can not commit misconduct through the misrepresentation of evidence or creating a witness that never existed, like the state did in the petitioner's case. Telling the jury that Bloody Eyes, the nephew of Death Row Records Owner Suge Knight, gave a video recorded interview stating petitioner's reason for being in Baltimore was to commit illegal activities, activities to include a horrible murder, when there is no such person as the declarant, constitutes the most gross violation of ethics, state, and federal law. This also violates petitioner's right to a fair and impartial trial. This along with the misrepresentation of vital lab reports as discussed in the initial motion for fraud on the court, made it impossible for the petitioner to receive a fair trial.

Presumptions and inferences may be drawn from established facts, but presumption may not rest on presumption or inference on inference. An inference can not be based on evidence that is too uncertain or speculative or that raises merely a conjecture or possibility. Reasonable inference can not be drawn from facts and conditions merely imagined or assumed. Because the state created a fictitious character, and presented this imaginary person as a credible witness to

the jury, and misrepresented the lab reports to illegally bolster its false claims against the petitioner, the state's case merely consists of presumption resting on presumption, and inference on inference, about evidence merely imagined or assumed.

If false exculpatory statements by a defendant are admissible to show consciousness of guilt and unlawful intent, then so is the same with any false statement given in official capacity, especially one from a prosecutor charged with the duty of representing the state. The fact that a prosecutor resorts to falsehood, is a circumstance which automatically constitutes "fraud on the court."

In *State v. Tosh*, a two-step analysis is set out defining prosecutorial misconduct. The appellate court decided whether the misstatements were outside the wide latitude allowed in discussing evidence. (1) whether it showed ill will on the prosecutor's part; (2) whether the misconduct was gross and flagrant; (3) whether the evidence against the defendant was of such a direct and overwhelming nature that the misconduct likely had little weight in the jurors' minds. The harmless test under *Chapman v. California* had to be met. These are erroneous acts done with a level of culpability that exceeds mere negligence.

In determining whether the error was harmless or it prejudiced the defendant's due process rights to a fair trial, the traditional constitutional harmless inquiry demanded in *Chapman* determines whether the state can demonstrate beyond a reasonable doubt that the error did not affect the trial's outcome, in light of the entire record, i.e., whether there is no reasonable possibility that the error contributed to the verdict.

The courts must simply consider any and all alleged indicators of prejudice, as argued by the parties, and then determine whether the state has met its burden, i.e., shown that there is no reasonable possibility that the error contributed to the verdict. The focus of the inquiry is on the impact of the error on

the verdict. The strength of the evidence against the defendant may secondarily impact this analysis one way or the other, it must not become the primary focus of the inquiry. Prejudice can exist even in a strong case. The prosecutor is under a duty to insure that only competent evidence is submitted to the jury. Above all, the prosecutor must guard against anything that could prejudice the minds of the jurors and hinder them from considering only the evidence adduced. (Quoted from Chandler)

When reversal is appropriate in a criminal case, an appellate court must also address a defendant's challenge to the sufficiency of the evidence because another trial on the same charges would violate the right to be free from double jeopardy, if the evidence in the first trial could not support conviction. When a defendant challenges the sufficiency of the evidence, the standard of review is whether the appellate court is convinced a rational fact finder could have found the defendant guilty beyond a reasonable doubt. The state must prove every element of a criminal offense. The appellate court employs a two step analysis when evaluating claims of reversible prosecutorial error. These two steps are simply described as error and prejudice. A hearing is supported by the fact that a judicial review for prejudice must allow the parties the greatest possibility of leeway to argue the particulars of each case. An appellate court considers all alleged indicators of prejudice as argued by the parties, and then determines if the state has met its burden, i.e., shown there is no reasonable possibility the error contributed to the trial's outcome. When a prosecutor argues facts outside the evidence, the first prong of the prosecutorial error test is met.

In Chandler, the opinion delivered by Biles, J., states "in a criminal prosecution, the state's obligation is to ensure its case vigorously, but properly championed to bring about a just conviction, not merely to win. Prosecutors are the state's

instrument in fulfilling this duty. When they fail, our system fails, and the safeguards protecting the constitutional right to a fair trial strain to the breaking point. That is what the results of prosecutorial misconduct had of the petitioner's case.

"A reviewing court must consider all of the evidence admitted by the trial court in deciding whether retrial is permissible under the double jeopardy clause" (quoting *Lockhart v. Nelson*, 488 U.S. 33, 41, 109 S.Ct. 285, 102 L.Ed. 2d 265 (1988)). The state's argument that it presented over whelming evidence of guilt, even if it was sufficient under our standard of review to convict, and that there is no likelihood that the verdict would be different had the prosecution not made the error, tries to substitute a different test. (*Chapman v. California*, 386 U.S. 18, 87 S.Ct. 824, 17 L.Ed. 2d 705 (1967)) (*United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150, 240, 60 S.Ct. 811, 84 L.Ed. 1129 (1940)) (*State v. Sherman*, 305 Kan. 88, 378 P.3d 1060 (2016))

Relief Requested.

For these reasons the petitioner requests the following:

1. A hearing on the merits of the issues in this motion
2. Vacate the conviction and sentence.
3. Declare in order the prosecution barred under double jeopardy.
4. Immediate release
5. Any and all relief this Honorable Court deems fair and just.

Respectfully Submitted

Shaïdon Blake * 96323

EDCF P.O. Box 311

El Dorado, KS, 67042

This is true under the penalties of perjury.

Shaïdon Blake 6-1-22

Certificate of Service

I certify that a copy of this motion was mailed through US

mail this _____ day of _____ 2022 to

**POLICE DEPARTMENT
BALTIMORE, MARYLAND**

BIOLOGY/ DNA LABORATORY REPORT

B07-0099 PAGE #2
CC# 061D06273 *llc*

Date: April 4, 2007	CC# 061D06273	Biology #: B07-0099
To: Det. Anthony Fata Homicide	Reference: Homicide Victim: Randolph Terrance	

Specimens received on 04/02/2007:

- 1- Oral swabs of Jermile Harvey – right cheek Property # 07015420.1A
- 2- Oral swabs of Shaidon Blake – right cheek Property # 07015421.1A

The following samples were previously analyzed by The Bode Technology Group under TBTG# MDB0605-0289. The data included in the tables for the following samples is from the report dated August 3, 2006:

- 3- Swabs "A – Rec'd From: Alley" Property # 06020931
- 4- Swab of duct tape from hands Property # 06021107
- 5- Victim's blood card Property # 06021107

The data included in the tables for the following samples is from the report dated September 15, 2006.

- 6- Suspected blood – Dining room wall Property # 06021804
- 7- "Suspected blood F/ cabinet by back door" Property # 06021804
- 8- Swab of door stain #8 Property # 06021819
- 9- Swab of door stain #9 Property # 06021819

The data included in the tables for the following samples is from the report dated January 31, 2007.

- 10- Swabbings from hutch Property # 06027611.1C
- 11- Swabbings from the dryer Property # 06027611.1E
- 12- Cutting from jeans stain A Property # 06027613.1A.1
- 13- Cutting from jeans stain K Property # 06027613.1K.1
- 14- Vacuum sample from jeans Property # 06027613.1N

The DNA profiles reported were determined by procedures, which have been validated according to the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing Laboratories. Polymerase Chain Reaction (PCR) testing using the Identifier, Profiler Plus and Cofiler systems was performed using DNA extracts isolated from the items listed above. The short tandem repeat (STR) and amelogenin (gender indicator) loci were tested and the alleles detected are listed in the included tables.

The swabs "A – Rec'd From: Alley," the swabbings from hutch, the swabbings from the dryer and the cutting from jeans stain A (evidence samples 3, 10, 11 & 12) yielded a DNA profile consistent with the known standard from the victim, Randolph Terrance. The chances of selecting an unrelated individual from a random population possessing the same profile as the evidence samples at the tested loci are approximately:

- 1 in 684 quadrillion (684,000,000,000,000,000) individuals in the American Caucasian population
- 1 in 186 quadrillion (186,000,000,000,000,000) individuals in the African American population
- 1 in 713 quadrillion (713,000,000,000,000,000) individuals in the SE Hispanic American population

The swab of duct tape from hands (evidence sample 4) yielded inconclusive results.

The suspected blood – dining room wall (evidence sample 6) yielded a partial DNA profile consistent with a mixture of at least two unidentified individuals.

COPY

Appendix H

**POLICE DEPARTMENT
BALTIMORE, MARYLAND**

BIOLOGY/ DNA LABORATORY REPORT

B07-0099 PAGE #3
CC# 061D06273 *ll*

Date: April 4, 2007	CC# 061D06273	Biology #: B07-0099
To: Det. Anthony Fata Homicide	Reference: Homicide Victim: Randolph Terrance	

~~X~~ The "suspected blood F/ cabinet by back door" (evidence sample 7) yielded a DNA profile consistent with an unknown male (Unknown Male #1) and with an additional minor allele from an unidentified source.

The swabs of door stain #8 and stain #9 (evidence samples 8&9) did not yield a DNA profile.

~~X~~ The cutting from jeans stain K (evidence sample 13) yielded a DNA profile consistent with a mixture of the known standard from the victim, Randolph Terrance, and minor alleles consistent with Unknown Male #1. The chances of selecting an unrelated individual from a random population as a possible contributor to the evidence sample at the tested loci are approximately:

- 1 in 7.11 billion (7,110,000,000) individuals in the American Caucasian population
- 1 in 8.41 billion (8,410,000,000) individuals in the African American population
- 1 in 18.5 billion (18,500,000,000) individuals in the SE Hispanic American population

~~X~~ The vacuum sample from jeans (evidence sample 14) yielded a DNA profile consistent with a mixture of the profile of Unknown Male #1 and the known standard from the victim, Randolph Terrance, at 11 of 13 loci. Loci vWA and D21S11 were not used in the statistical calculations. The chances of selecting an unrelated individual from a random population as a possible contributor to the evidence sample at the remaining loci are approximately:

- 1 in 6,980 individuals in the American Caucasian population
- 1 in 12,300 individuals in the African American population
- 1 in 9,710 individuals in the SE Hispanic American population

~~X~~ Jermile Harvey and Shaidon Blake are excluded as sources of or contributors to the DNA profiles yielded from all the evidence samples tested.

SAMPLE	1	2	3	4	5	6	7
D3S1358	16	15,16	16	16,—	16	(15),16,(17)	15,16
DI6S539	8,11	9,11	9,14	No Results	9,14	No Results	12
TH01	7	8,9	6,9	No Results	6,9	No Results	8,9,3
TPOX	8	8,9	7,8	No Results	7,8	No Results	10,11
CSFIPO	10,12	12	11,12	No Results	11,12	No Results	8,11
D7S820	10,13	8,11	11	No Results	11	No Results	9,10
vWA	17,18	15,16	14,15	No Results	14,15	19,—	15,19
FGA	23,26	22,23	22,24	No Results	22,24	22,24,25	23,25
D8S1179	14,15	12	14,15	14,—	14,15	13,14	13,14
D21S11	28,29	28,29	28,29	No Results	28,29	28,35	28,35
D18S51	14,16	12,14	12,17	No Results	12,17	15,—	15,18
D5S818	12	11,12	11,13	No Results	11,13	13,—	12,13
DI3S317	12	11,12	10,12	No Results	10,12	12,—	8,11,(13)
amelogenin	X,Y	X,Y	X,Y	X,—	X,Y	X,(Y)	X,Y
D2S1338	18,19	21,23	Not Tested	Not Tested	Not Tested	Not Tested	Not Tested
D19S433	11,13	11,14,2	Not Tested	Not Tested	Not Tested	Not Tested	Not Tested

COPY

**POLICE DEPARTMENT
BALTIMORE, MARYLAND**

B07-0099 PAGE #4
CC# 061D06273 *PC*

BIOLOGY/ DNA LABORATORY REPORT

Date: April 4, 2007

CC# 061D06273

Biology #: B07-0099

To: Det. Anthony Fata
Homicide


Reference: Homicide
Victim: Randolph Terrance

SAMPLE	8	9	10	11	12	13	14
D3S1358	No Results	No Results	16	16	16	16	15,16,(17)
D16S539	No Results	No Results	9,14	9,14	9,14	9,(12),14	(9),12,(14)
TH01	No Results	No Results	6,9	6,9	6,9	6,9,(9,3)	(6),8,(9),9,3
TPOX	No Results	No Results	7,8	7,8	7,8	7,8,(11)	(7),(8),10,11
CSF1PO	No Results	No Results	11,12	11,12	11,12	11,12	8,11,(12)
D7S820	No Results	No Results	11	11	11	11	9,10,(11)
vWA	No Results	No Results	14,15	14,15	14,15	14,15,(19)	15,19
FGA	No Results	No Results	22,24	22,24	22,24	22,24,(25)	(22),23,(24),25
D8S1179	No Results	No Results	14,15	14,15	14,15	(13),14,15	13,14,(15)
D21S11	No Results	No Results	28,29	28,29	28,29	28,29	28,35
D18S51	No Results	No Results	12,17	12,17	12,17	12,17	(12),15,(17),18
D5S818	No Results	No Results	11,13	11,13	11,13	11,13	(11),12,13
D13S317	No Results	No Results	10,12	10,12	10,12	10,12	8,(10),11,(12)
amelogenin	No Results	No Results	X,Y	X,Y	X,Y	X,Y	X,Y
D2S1338	Not Tested	Not Tested	Not Tested	Not Tested	Not Tested	Not Tested	Not Tested
D19S433	Not Tested	Not Tested	Not Tested	Not Tested	Not Tested	Not Tested	Not Tested

-- = Possible additional alleles

(#) = Minor allele

The above evidence samples have been retained in the Trace/Biology Unit. The DNA extracted from the portion of the samples used in this test will be retained as required by Subtitle 2, Section 8-201 of the Annotated Code of Maryland.


Jocelyn R. Carlson, MSFS
Criminalist II - DNA Analyst


Kelly Miller, MFS
Criminalist II - Technical Reviewer

Det Anthony Fata		CC #: 06 1D 06273							
Dist/Div: Homicide		Victim: Randolph Terrance							
EVIDENCE INVENTORY		PROPERTY #	ANALYZED	SEMINAL FLUID	SPEARM	BLOOD DETECTION	EPITHELIAL CELLS	SALIVARY AMYLASE	SENT FOR DNA ANALYSIS
#	DESCRIPTION								
1	"Swabbings from the hot water heater (Sears 600)"	06027611.1A	Y			N			
2	"Swabbings from the hot water heater A.O. Smith"	06027611.1B	Y			N			
3	"Swabbings from the hutch"	06027611.1C	Y			H			Y
4	"Swabbings from the washer (right side)"	06027611.1D	Y			N			
5	"Swabbings from the dryer"	06027611.1E	Y			H			Y
6	"Swabbings from the washer"	06027611.1F	Y			P			N
7	Blue jeans	06027613.1	Y			H	P		Y
8	Axis Ultra bleach bottle	06027615.1A	Y			N	P		N
	Family Dollar bleach bottle	06027615.1B	Y			N	P		N
10	Clorox bleach bottle	06027615.1C	Y			N	P		N
11	Red plastic gas can	06027615.2	Y			N	P		N

Test
Overturnable
where
Results

LEGEND: Y = YES N = NO
H = Human blood indicated * = see comments
P = Possible presence of blood or seminal fluid indicated or possible presence of epithelial cells

If further analysis is required, samples of the following checked items must be submitted

Victim(s): Blood Suspect(s): Blood
 Other (specify) Other (specify) (for oral swabs)

COMMENTS: #6: Presumptive testing for blood positive, human origin testing negative.
Suspect standards required for further analysis

COPY

Property in Case Not Analyzed or Itemized:

Examiner: Thomas M Hebert *THH* Date: 11/24/05

Found to not be human blood amongst EV. We dont know that other bloods really human or belongs to vic
Appendix I

Blood found in Basement
* In area with samples of
alleged blood ev. ruled not human

an other blood questionable.
* DA said to jury the Victims blood was found
in basement, Not true, Mislead Jury,
Ineff. Lawyer allowed blood ev.

To be presented on strength of
Luminole test. That test will show
pos on bleach as well as blood.

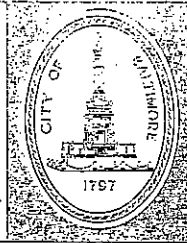
Pos results in washing machine area
where bleach was.

We were bamboozled !!!

* Reports presented to jury said Vics
blood on Hutch and washing machine.

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW
GEORGE A. NILSON, City Solicitor

OFFICE OF LEGAL AFFAIRS
242 W. 29th Street
Baltimore, MD 21211

November 4, 2009

Shaidon Blake 343 938
NBCI
14100 McMullen Hwy
Cumberland, MD 21502

RE: MPLA request Case# 106177028-29

Dear Mr. Blake

The detectives in the Homicide Division have made a decision to release the following documents to you per your request:

- * Incident report CC# 061D06270
- * Crime Lab reports
- * Copies of search warrant for 1921 Division St.
- * Arrest warrant and charging documents for Shaidon Blake
- * Evidence control sheets

This case file details at least two other felonies committed in the State of Maryland. At least one Baltimore Police Department Detective and the family of the Detective have had a threat on their life. Because the nature of the offense and given the fact that certain persons named, charged or not charged; are members, have been members or are associated with segments of the gang known as the Bloods or other violent gangs, this office is concerned with the safety of witness, victims and members of the Baltimore Police Department. Information uncovered during the investigation of this case may be used in investigations of unsolved crimes and used in the ongoing investigations of gangs the drug trade and other crimes. Ongoing investigations require this office to withhold certain documents from public access.

Redacted or with held:

- State's Attorney's Contact Log § 10-618(f)(1)(i)(ii);
- Charging documents of all other defendant other than Shaidon Blake pursuant to §10-618(f)(2)(iii); (iv), (vi),(vii);
- Investigative progress reports pursuant to §10-618(f)(2)(i)(iv)(v)(vi)(vii);

Bradley admission *

Appendix J

for look (2nd)

Filed

APR 13 2009

Dear Your Honors

Bessie M. Decker, Clerk
Court of Appeals
of Maryland

4-6-09

My sincere apologies I extend to you all if this petition is not traditionally made and presented. I am unlearned as to the law but the truth is all that's needed. I was told by my court appointed lawyer Mr. Brian Murphy, who is a panel attorney that I had to complete this petition on my own. There were more issues that could have been raised during my direct appeal that I made a request to Mr. Murphy to argue. Unfortunately Mr. Murphy had no confidence in the issues which I guess falls under strategy and he has that right. Regardless of his right to choose the strategy in which he argues, it's my life at stake and my issues had teeth and should have been considered. I was told in the form of a letter from Mr. Murphy that Brady violations, Abuse of discretion by trial judge, Misconduct and inconsistent verdict were not issues to be considered during a direct appeal proceeding. I find that to be incorrect.

Appendix K

CV 08-111

BRIAN J. MURPHY

ATTORNEY AT LAW
1206 ST. PAUL STREET
BALTIMORE, MARYLAND 21202

TELEPHONE
(410) 347-2030
FAX
(443) 573-9066

ADMITTED TO PRACTICE:
MARYLAND
UNITED STATES DISTRICT COURT (MD)
UNITED STATES COURT OF APPEALS (4TH CIR.)
SUPREME COURT OF THE UNITED STATES

November 4, 2008

Shaidon Blake # 291-169
North Branch Correctional Institution
14100 McMullen Highway, SW
Cumberland, MD 21502

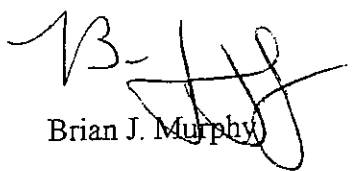
Dear Mr. Blake:

Enclosed is a copy of the brief that I filed on your behalf in the Court of Special Appeals. Shortly, the State will file a response to my brief; I will send you a copy of that brief as soon as I receive it. Sometime in December, your appeal will be considered by a three-judge panel of the Court of Special Appeals either with or without oral argument by counsel. Sometime after that, the three-judge panel will issue a written opinion in your case which will either reverse or affirm your conviction. There is no time limit on when the judges can issue an opinion; I have seen it take as little as 60 days or as long as a year or more.

I have carefully read all the materials that you sent me as well as all the materials that were forwarded to me by David Kennedy. The points you raise in those materials would be more appropriately raised in what is called a post-conviction petition, a legal step that you may want to take if we do not win your appeal. I am endeavoring to schedule a telephone conference with you so that I can answer any questions you may have about the appellate process; hopefully, I will be able to speak with you soon.

I will keep you apprised of all developments as they occur.

Sincerely,


Brian J. Murphy

encl.

Appendix L



MARTIN O'MALLEY
GOVERNOR

OFFICE OF THE PUBLIC DEFENDER
COLLATERAL REVIEW DIVISION
7500 RITCHIE HIGHWAY, SUITE 111
GLEN BURNIE, MD 21061

Ph. (410) 767-4868 Fax (410) 760-4186
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PUBLIC DEFENDER

SCOTT WHITNEY
CHIEF ATTORNEY
COLLATERAL REVIEW DIVISION

NORMAN HANDWERGER
DEPUTY CHIEF
COLLATERAL REVIEW DIVISION

June 24, 2010

Mr. Shaidon Blake
#009 6323
Kansas State Division of Corrections
H.C.F.
PO Box 1568
Hutchinson, KS 67504

Dear Mr. Blake:

I have begun writing your supplemental petition. I should have a draft ready in a week or so and I'll send it to you. I'll also give you an analysis of the issues you've raised and whether or not I think they are good to pursue.

I'm enclosing the portion of your transcript that contains the instructions to the jury and the closing arguments because some of the issue you raise – and some of the issues I will elaborate upon – are contained here.

I have one question right now: do you have a copy of the *Baltimore Sun* article in which you allege that Judge Prevas and/or Dennis Laye gave prejudicial statements to the reporter? I have asked our research intern to look for any *Sun* articles relating to your case, but you can save me time if you have a copy.

Thanks.

Yours sincerely,

Judith B. Jones
Assistant Public Defender
Collateral Review Division
410-412-7112
jbjones@opd.state.md.us

enclosure, Vol. V of Trial Transcript

Appendix M

1) Pg 6. Says assault wasn't charged so it shouldn't go to jury
WRONG

2) verdict sheet has murder 1 & 2 separate but not transcript, pg 6
Transcript says concerned with charge not so, pg 7.

3) Judge says his instructions are binding not just advisory pg 9
Newspaper comment pg 12

Pg 13 * check it out.

29) 16 call of witness not accurate. Both were returned

Pg 17 11-14 coordination instruction (not used in case)

20-22 Disregard if accessories, pg 7

Pg 18 1-6 (Pg 102 Judge rushing verdict. * **)

29) 18 13-15 says witness quit case before a verdict reached
of the jury. He was not called for testimony. (not used in case)
29) 18 13-15 says witness quit case before a verdict reached
of the jury. He was not called for testimony. (not used in case)

29) 18 17-18 justifies act of court declaration.

Pg 19 1-5

925 10-17 second degree elements as well

133 Evidence doesn't support statement on potential

Motive (Drugs) wit says. Can't get anything from

34 says I said I carried a pistol right in my jacket 12-20

31 misleading. Cop's story. Fata used Tex First. not judge.

40 Lies. Kelly. Didn't talk until 3rd interview.

146 says Ted's contact started in 1980. (not used in case)

18 (subliminal) He (you were threatened to charge her)
18 1800 said he had seen. * Pg 43 Lied about being out to NY



MARTIN O'MALLEY
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NANCY S. FORSTER
PUBLIC DEFENDER

MICHAEL R. MORRISSETTE
DEPUTY PUBLIC DEFENDER

GERALDINE K. SWEENEY
CHIEF ATTORNEY

December 22, 2008

Mr. Shaidon Blake (#343-938)
North Branch Correctional Institution
14100 McMullen Highway, SW
Cumberland, MD 21502

Re: *Shaidon Blake a/k/a Shidon Blake v.
State of Maryland*, Court of Special
Appeals, September Term, 2007, No.
989

Dear Mr. Blake:

I am writing to respond to your letter dated November 16, 2008. You first expressed concern that we did not discover the conflict of interest until relatively close to the time your brief was initially due. Because of the overwhelming number of criminal appeals our office handles, we rely on attorneys to review cases a couple months before the briefs are due to determine whether there is a potential conflict of interest in the appeal. (Often, a potential conflict of interest that exists at trial no longer exists at the appellate level, making it possible for one attorney from the Office of the Public Defender to represent multiple codefendants.) Mr. Kennedy determined that a potential conflict existed between you and your co-defendants that merited assigning your appeal to Mr. Murphy, a private lawyer.

You also expressed concern about Mr. Murphy's representation of you in this appeal. Once the Office of the Public Defender assigns a case to a private lawyer because of a conflict of interest, we are not able to supervise that attorney where, as here, we continue to represent the co-defendants with whom you have a potential conflict of interest. The purpose of paneling the case was to give you a lawyer who is not beholden to the office that is representing your co-defendants. Mr. Murphy is responsible for representing you in the same capacity as if you had hired him as a private attorney. The agency that oversees the conduct of Maryland attorneys is the Attorney Grievance Commission.

CONFIDENTIALITY NOTICE: This document contains information
that is legally privileged, or is otherwise confidential by law.

Appendix N

Because I work for the office that is representing your co-defendants, it is not appropriate for me to communicate with you about the merits of your appeal. While I hope that you will obtain some relief on your appeal, if you do not, you may then pursue postconviction relief. If your appeal is unsuccessful, please write me and I can tell you how to get in touch with the unit of our office that handles postconviction matters.

Sincerely,



Brian M. Saccenti
Deputy Chief Attorney
(410) 767-8556

Cc: Brian J. Murphy, Esq.

BMS/bms

Appendix # A3

In The Circuit Court Of Special Appeals:

Case No;106177028,106177029

Shaidon Blake

P.C. No; 10309

Petitioner

V.

State Of Maryland

Respondent

Here comes Petitioner Shaidon Blake, requesting this Honorable Courts review of Lower Courts decision in the above case number presenting the following evidence and questions:

Did the Courts err in its denial of Actual Innocence when it rules Petitioner fails to assert grounds on which relief may be granted using Douglas v State, 423 md. 156, 180 2011. This case states that assuming the facts in light most favorable to the Petitioner and accepting all reasonable inferences that can be drawn from the Petition.

This being the case, Petitioner in his Petition presented undisputable evidence of his innocence and due diligence in his pursuit of Justice. Petitioner stands on Schlup V Delo and asserts that his jury also was deprived of critical evidence that established innocence and also the Circuit Court denied Petition without conducting an evidentiary hearing on its merits.

Appendix 0

The U.S. Supreme Court granted certiorari to consider whether a standard enunciated in *Sawyer V Whitley*, 505 U.S. 333 112 s. ct 2514, 120 L. 3d 2d 269 (1992) provided adequate protection "against" the kind of miscarriage of Justice that would result from the execution of a person innocent. 513 U.S. at 301.

As in *Schlup V Delo*, Petitioner claims a life sentence for a man innocent would be an 8th Amendment violation (*Schlup* 513 U.S. at 314) Petitioner claims a life sentence has the same effect and is an "intolerable event" due to his innocence. In *Schlup*, Petitioner claims were not in itself basis for relief, but gave him the ability to demonstrate the merits of his substantive claims under *Strickland V Washington* and *Brady V Maryland* as in Petitioners' case. *Schlup's* claim of innocence was not in itself a Constitutional claim, but instead a gateway through which a Habeas Petitioner must pass to have his otherwise barred Constitutional claim considered on the merits. 513 U.S. at 315 (citing *Herrera* 506 U.S. at 404)

"To be credible, such a claim requires Petitioner to support his allegations of Constitutional error with new reliable evidence whether it be exculpatory scientific evidence, trustworthy eye witness accounts, or critical physical evidence that was not presented at trial (quoting *Carrier* 477 U.S. at 496). Petitioner presents all of those. Undisputed DNA evidence excluding Petitioner and identifying an "unknown Male 1" as the contributor to all

Foreign samples collected. This fact, if known at trial presents reasonable doubt to jury, and to withhold this denied Petitioner a fair trial and the ability to prove his innocence, even though by law the burden is on the State. The State has a duty under discovery laws and rules to turn over any evidence exculpatory or mitigating to the defense and to not do so is illegal and relief is required.

Petitioner also presents Affidavits to support his claim that State through "State Witnesses" suborned perjury intentionally to get conviction and to bolster State's claims by Witness Detective Merrick's testimony that a suspect to an unrelated crime gave a video recorded interview that claimed Petitioner was sent to Maryland as a "hitman" or cleaner to fix gang problems. The State said this person only known as "Bloody Eyes" was Music Executive and convicted murderer, Marion "Suge" Knight of Death Row Records nephew. This is factually untrue and Mr. Knight would testify that he has never spoke to any Detectives in Maryland and has no nephew by the name "Bloody Eyes" or any nephew that has ever been to Maryland which makes the Detective and State witness testimony perjury.

Petitioner asserted also a Crawford V Washington claim because this person who allegedly gave this statement was never in Court nor did the defense ever get a chance to see him or this video interview, which is work product and subject to cross examination. Petitioners' attorney never objected to this

testimony giving Petitioner also a Strickland claim. Petitioner presents enough to establish the need for an evidentiary hearing. The Carrier Standard ensures Petitioner a meaningful avenue by which to avoid a manifest injustice.

In assessing the adequacy of Petitioners showing, the emphasis on actual innocence allows the reviewing tribunal the ability to consider the probative force of relevant evidence that was either excluded or unavailable at trial. The Court must make its determination concerning the Petitioners innocence, in light of all the evidence, including those that was alleged to have been illegally admitted and evidence tenably claimed to have been wrongfully excluded or to have become available only after trial. (Schlup 513 U.S. 327-328)

The Carrier Standard reflects the proposition firmly established in our legal system that the line between innocence and guilt is drawn with references to a reasonable doubt (Schlup 513 U.S. at 327-328) and does not require absolute certainty about the Petitioners guilt or innocence (547 U.S. at 538). The Petitioners burden at the gateway stage is merely to demonstrate "That more likely than not any reasonable juror would have reasonable doubt". (547 U.S. at 538). Based on the totality of the record, the Court must make a probabilistic determination about what a reasonable, properly instructed juror would do. The Courts function is not to make an independent factual determination but assess the likely impact of the evidence.

Petitioner presented undisputable DNA and Lab reports that were not available at trial in violation of Brady. These reports were not found in time enough to seek a new trial as required under MD rule 4-331 but still qualifies the Petitioner for relief under cp§ 8-301. The Lower Court ruled Petitioner had time to file for new trial even though Petitioner received trial evidence over 2 years after the trial, a disregard for his pre-trial motion of discovery. Petitioner did receive trial evidence on November 4, 2009 and the Courts ruled petitioner had until April 17, 2010 to file a motion for a new trial which is 5 months after Petitioner received DNA reports. Accordingly, such evidence does not qualify for relief under Md code ann. Crim prsc. §8-301 and petitioned barred by res judicata.

Petitioner presents to this Honorable Court the fact that we are talking about a person's actual innocence and the fact that the Courts has the discretion to view time barred issues under manifest injustice. Also Petitioner had a Court appointed lawyer who stated the next level of appeal would be Post Conviction and the Courts in post ruled trial strategy. The Lower Courts wants to hold Petitioner responsible for issues waived that were not done so "intelligently and knowingly" and yet says that inadequate representation amounts to trial strategy. Had Petitioner been represented Pro Se, then the Courts ruling may be correct, but Petitioner was at the mercy of a State appointed counsel giving his claim of ineffective assistance of counsel merit, which is gateway material for a hearing under Actual Innocence.

Trial counsel at Post conviction hearing clearly states he had not seen any DNA reports or the misrepresented Lab reports. This misrepresented Lab report is vital and material because the state claimed the victim of a murder blood was found on a washing machine in the basement where Petitioner frequented. Contrary to States' claims to the jury, the illegally withheld lab reports stated "Presumptive testing for blood was positive but Human origin was negative. The blood presented to the jury was not of the victim or even human at all. We are speaking of a manifest injustice that the Lower Courts ruled time barred by res judicata.

Trial attorney was asked if he had this exculpatory withheld DNA evidence in a timely manner, would it have changed his trial strategy and his response was confusing to say the least, yet clear when he stated "I mean, I don't...I mean I don't like the lack of someone's DNA. I mean it's...I was, I didn't consider that exculpatory, but I don't know..What..No". Then attorney went on to say "I think it seems in my opinion is that Jury could have given an awful lot of credence to it that it doesn't deserve". (Post Tr. pg 41 lines 19-25 and pg. 42 lines 1-7).

This is a display of the inadequacy Petitioner faced at trial with a lawyer who was either purposely ineffective or just plain unqualified because a jury should give an awful lot of credence to undisputable scientific evidence. This same lawyer testified at Post hearing that he had never had any

DNA or Lab reports. He states "I don't believe DNA was ever offered by the State". (Post tr. pg 32 lines 17-21 and pg 33 lines 4&5). Under §8-301 Petitioner has shown that "There is newly discovered evidence that: (1) creates a substantial or significant possibility that the results may have been different as that standard has been judicially determined and (2) could not have been discovered in time enough to move for a new trial under Md rule 4-331. Petitioner also satisfies the third standard set recently in Smith V. State, 233 md app. 372, 410-11(2017) which added that relief under §8-301 is limited to situations where Petitioner shows newly discovered evidence that supports a claim that the Petitioner is innocent of the crime which he or she was convicted.

Petitioner satisfies this with the following evidence:

1. DNA reports excluding him as contributor to all sources collected
2. Lab reports contradicting States claims connecting victim to Petitioner and the intentional misrepresenting of non-human blood as victims blood.
3. Affidavit from witness contradicting states claim of having a witness who doesn't really exist. This is misconduct, perjury and other crimes committed by State Attorney and Police.
4. Case law to support Petitioners relief due:
CP§8-301 (a) (1)(2) a person convicted at any time may file a petition for Writ of Actual Innocence in the Circuit

Court for the County in which the conviction was imposed if the person claims there is newly discovered evidence that creates a substantial or significant possibility that the results may have been different, as that standard has been judicially determined and could not have been discovered in time to move for a new trial under Md rule 4-331.

(b) Requirements- A petition filed under this section shall (1) be in writing (2) State in detail the grounds in which the petition is based; describe the newly discovered evidence (3) contain or be accompanied by a request for a hearing if a hearing is sought; and distinguish the newly discovered evidence claimed in petition from any other claim made in prior petitions (c) Hearing except as provided in paragraph (2) of this subsection, the Courts shall hold a hearing on a petition filed under the subsection if the petition satisfies the requirements of subsection (b) of this section and a hearing was requested.

The Petitioner satisfied all requirements in order to have an evidentiary hearing yet was denied.

(2) Did the Courts err in its denial of a hearing as required under cp§8-301 (b)(4)&(c) ?

Petitioner asserts that the denial of a hearing after meeting all requirements was a violation of his Due Process and Equal Protection under the law and amounts to Manifest Injustice and relief is the only remedy.

Relief sought:

- 1. A hearing on the merits of claims**
- 2. Vacate sentence and conviction**
- 3. Immediate release**
- 4. Any and all other relief this Honorable Court deem just.**

**Respectfully Submitted,
Shaidon Blake #94323**

Shaidon Blake, * IN THE
Petitioner * COURT OF APPEALS
v. * OF MARYLAND
STATE OF Maryland * September Term, 2022
Respondent * No. 15

* * * * *

PETITION FOR WRIT OF CERTIORARI

In a charging document filed in the Circuit Court for Baltimore City, in criminal case No. 106177028, 029, the State charged Petitioner, Shaidon Blake, with conspiracy to commit 1st degree murder, 1st degree murder, 2nd degree murder, carrying a concealed deadly weapon, and carrying a deadly weapon with intent to injure. Following a seven-day jury trial ending on April 13, 2007, Petitioner was convicted of second degree murder and conspiracy to commit first degree murder, and found not guilty of both weapons charges and first degree murder. On May 30, 2007 the trial court sentenced Petitioner to 30 years for case No. 106177028, and life for case No. 106177029 to be served concurrently.

The Court of Special Appeals affirmed Petitioner's conviction on March 18, 2009. A Petition for WRIT OF CERTIORARY was denied on June 24, 2009. Petitioner filed a pro se Petition for Post Conviction Relief on July 21, 2009. Petitioner's court appointed attorney filed a supplemental Petition on August 24, 2010. And on August 5, 2011, this Petition for Post Conviction Relief was denied. Petitioner filed application for leave to appeal which was denied in an unreported opinion issued on December 19, 2012.

Petitioner filed a Petition for Writ of Habeas Corpus in the Circuit Court for

Appendix P

Baltimore City on February 10, 2020 which was denied, while waiting on the Court's response to Petitioner's Actual Innocence Petition filed on January 28, 2019 and Supplemented on January 28, 2019. Petition for Actual Innocence was denied and Petitioner filed for review but was ruled out of time. The Circuit Court for Baltimore City issued a show cause order giving the Petitioner 15 days to show Cause why a Notice of Appeal should be issued on December 21, 2020. On February 8, 2021, the Circuit Court granted Petitioner Notice of Appeal. On June 1, 2021, Petitioner appealed Circuit Court's denial of Actual Innocence, and on January 25, 2022 The Court of Special Appeals affirmed denial of Actual Innocence.

Pursuant to Maryland Rule 8-303, Petitioner, pro se, petitions this Honorable Court to issue a writ of Certiorary to the Court of Special Appeals to review that Court's decision.

Questions Presented

1. Did the Court abuse its discretion in its denial of requested relief when petitioner has proven ineffective Assistance of Counsel was the cause of the untimely filing of Actual Innocence?
2. Is *Schlup v. Delo* 513 U.S. 298, 927, 115 S. CT. 851, 130 L. Ed. 2d 808 (1995), still the standard "gateway" through which a habeas petitioner must pass to have otherwise barred Constitutional claims considered on the merits as petitioner asserts, stating grounds on which relief may be granted contrary to the Court's ruling using *Douglas v. State*, 423 Md. 156, 180 (2011)?
3. Did the Court abuse its discretion in its denial of writ of Actual Innocence without a hearing pursuant to C.P. § 8-301 (c), when Petitioner met the burden necessary requiring a hearing as the mandatory language speaks?

Statement of Facts

Trial counsel neglected to raise any objection to the lack of DNA reports and never challenged the lab reports being used, or even prepare for a defense challenging any of the scientific evidence presented. The blood stated to belong to the victim, linking the victim to the appellant was of non-human origin. This is material because the state never provided the defense with this evidence they misrepresented at trial with no objection by trial counsel. The argument of the appellant is this; Contrary to the lower courts ruling, the withholding of discovery evidence requested through pretrial motion for discovery, does speak to the appellants innocence because the burden is guilt beyond a reasonable doubt, which exists had the state not intentionally violated the appellants Constitutionally protected right of a fair trial, by allowing him the ability to prepare a proper defense. 1

By giving the defense all relevant discovery evidence, the jury would have been able to properly judge the strength of the states case along with the effect impeachment and a effective challenge to all evidence presented on the states presentation. The defense would have had the ability to contradict the states claim of the blood in question, found on the washing machine, belonging to the victim. (See Ex. # 3AA in appellant brief In the Court of Special Appeals No. 1499 Sept Term 2020. See Ex # M - DNA report excluding appellant but more important, identifying "Unknown Male 1")

The DNA report was significant because it identifies the contributor of the DNA on the victim as "Unknown Male 1". Had the jury been able to know this, reasonable doubt is born, changing the trials outcome. To violate discovery

laws and commit misconduct by the intentional misrepresentation of vital blood evidence, denied the appellant his constitutionally protected right to Due Process and Equal Protection Under the Law. (14th amend. U.S.C.) The lower courts ruled, stating the "appellant did not meet that hurdle" referring to the threshold requirements.

It is the appellants assertion, proven through exhibits, that the threshold requirement, the state and court claimed was not met was the timely filing of claim of actual innocence, pursuant to MD. Rule 4-331. According to rule and courts calculations, appellant had approximately 5 months to file for a new trial once withheld discovery was received, after an exhausting due diligence, threw several MPIA requests. Appellant was at the mercy of State appointed counsel during direct appeal and even though appellant did not yet possess the vital withheld Lab & DNA reports, the knowledge of their existence, because of the presentation of these reports at trial, only threw testimony, led appellant to request direct appeal attorney to bring the Brady violation to the courts.

Direct appeals attorney was informed of the Brady violation, due to not having the Lab and DNA reports, but refused to address the issue threw what should have been a motion for New trial pursuant to MD. rule 4-331. By failing to do so, waived the issue now being called "time barred" (see ex[#] D, *BBB). Due to strategy, which the courts afford every attorney, appellant was denied his right to a new trial because direct appeals attorney either was not aware of his duty to file for a new trial or he ignored the requirement, either way, this is ineffective assistance of counsel under Strickland.

Due to bad advice and inadequate representation by a court

appointed attorney, a motion for new trial was not pursued by direct appeal attorney. Also post conviction attorney was aware of the withheld reports, in violation of Brady, and her advice and strategy was the same as the direct appeal attorney. So instead of moving for a new trial, post conviction attorney, after reviewing the issue of newly discovered evidence, decided to go forward with the post conviction hearing. (See ex^a BBB - post conviction attorney acknowledged receiving appellants issues, including the Brady violation and agreed to analyze "the issues you've raised and whether or not I think they are good to pursue". Because she did not move for new trial, instead continued a post conviction hearing, post conviction attorney, with time to spare, waived appellants right to a new trial pursuant to Md. Rule 4-331 (ex^a 008 - Appellant's response from public defender's office concerning the court appointed attorneys refusal to raise meritorious issue of brady.)

These exhibits displays appellants due diligence in trying to raise the issue of newly discovered evidence in a timely manner to be refused by court appointed counsel. Appellant had no idea the next procedure was to move for new trial, and appointed counsel was given charge over the adequate representation of appellant, but failed due to ineffective assistance of counsel. Failure to adhere to the requirements of Md. Rule 4-331 was not intelligently and knowingly done by the appellant. If not for ineffective assistance of counsel, appellant would have met the threshold spoke on by the lower courts.

The lower courts did not acknowledge the fact that under the provision of Manifest Injustice, the courts could have granted relief, in the interests

of Justice, because evidence exists that vital discovery was withheld, in violation of Brady. As shown by references taken from trial transcripts, vital lab report was misrepresented at trial causing irreparable but reversible damage. (See ex^{*} D5 pg's 5 under DNA §, pg 6-8)

To support appellants right to relief, appellant presented evidence of wide spread corruption by the Baltimore City police and collusion with the state between the assistant states attorney, Brian Fish, and detective Merrick, but the courts ruled it waived stating, "Mr Blake did not raise any issue related to detective Merricks testimony in his petition for Writ of Actual Innocence." Appellant asserts that in order to establish grounds that the ruling was incorrect, Detective Merricks testimony was added through exhibit, making it admissable to prove the accusation made by the state that a overwelming amount of inculpatory evidence existed to prove guilt. This was not accurate, but the burden of proof lays with the appellant to raise the accusation of misconduct that led to appellants false conviction, from a bald allegation, to proven facts, and it took the perjured testimony of detective Merrick, who under oath created a fictitious character, and used this person that doesn't exist to bolster the states false unsubstantiated claims, to do this. (See Ex^{*} D3 Motion to reopen post conviction)

Once the petition for post conviction was mentioned by the state and entered into evidence under Apx. 17-44, with Aug. 5, 2011¹⁵ memorandum opinion and order denying petition for post conviction, the state opened the door for review of said memorandum and order, which contains the perjured testimony of detective Merrick. The state presented in exhibit, evidence that contained detective Merricks testimony ruled inadmissable

by the lower courts, making that ruling an abuse of discretion, and the presented evidence fair game and reviewable. Petitioner still maintains actual innocence and presented with petition of actual innocence and subsequent appeal, case law in support of right to relief. (See* ex. D6 & D7 in appeal of denial of Actual Innocence in The Court of Special Appeals No. 1499, Sept. Term, 2020)

Respectfully, the only reason for the denial has been time barred. The appellant presents a clear "Manifest Injustice" due to the conviction, and sentence of life given to a innocent man. "A miscarriage of justice" as described in Sawyer v. Whitley. The Sawyer v. Whitley case concerning the miscarriage of justice that would result in the execution of a person who is actually innocent, and the appellant asserts there is fundamentally no difference when you convict a man and sentence him to life when he's actually innocent. (See ex* D6 & D7 in Appeal of denial of actual innocence Court of Special Appeals No. 1499 Sept Term 2020) (Smallwood v. State, 451 Md. 290, 313 (2017)) as the lower court quoted "actual innocence means that the defendant did not commit the crime or offense for which he or she was convicted."

Ignoring the proven fact that the state presented "non-human" blood as the victims blood, in a trial that got the appellant a life sentence, and withheld DNA evidence that identifies the true perpetrator, "Unknown Male 1," the courts adds to the Manifest Injustice. (See ex* D6, D7, M, 3AA, D3 & D4) All evidence admitted to show proof of withheld, or and misrepresented vital blood & DNA evidence. This is the gateway standard met which entitled appellant consideration of the merits of actual innocence because the standard outlined in Murray v. Carrier has been met. As in Schlup,

appellant claims that constitutional error deprived his jury of critical evidence establishing his innocence. Appellant has demonstrated that it is more likely than not that no reasonable juror would have found petitioner guilty beyond a reasonable doubt. (Schlup v. Delo, 513 U.S. 298, 327, 115 S.Ct. 851, 130 L.Ed. 2d. 808 (1995)) (See ex# D6 & D7)

Exhibit # D5 was Habeas Corpus raising actual innocence. In the order denying relief, the judge states "absent a showing of fraud, bad faith, or collusion with the state, ineffective assistance of counsel claims are impermissible in habeas corpus proceedings" (Wood v. Warden of Md. House of Corr., 215 Md. 610, 611-12, 137 A.2d. 175, 176 (1957)) Appellant asserts that by not questioning use of DNA and blood not presented in discovery, trial counsel showed bad faith and the collusion or fraud can be attributed to trial counsel's testimony at Post Conviction, when he denied knowledge of the use of DNA at trial, when it clearly was used and counsel for the co-defendant objected. (Ex# D5 pg 5, post TR. pg 32 lines 17-21 & pg 33 lines 4 & 5) Trial attorney had no idea blood used at trial as victims was not even human. (Ex# D5 pg 7)

The lower courts rationale for its denial was based on Smith v. State, 233 Md.App. 372, 410 (2017) "to qualify as newly discovered, evidence must not have been discovered, or known to petitioner at trial." Appellant has met this burden and has shown through trial attorney's testimony documented in post conviction transcripts, that vital reports material to the defense, were not given to appellant before or during trial. Trial attorney testified as a state witness to this fact. (See ex# D5 pg 5 post TR pg 32 lines 17-21 & pg 33 lines 4 & 5, pg 6 of ex# D5, Ex# D3 pg 3) (See also ex# D7 Suppl. Petition for actual innocence). Appellant is not necessarily relying

on this Honorable Court to waive the threshold requirements, appellant is merely presenting evidence to excuse the time bar or waiver, for good cause
IN THE INTEREST OF JUSTICE.

Schlup made appellants argument qualify for relief by showing what's required to not only make it through the 'gateway', but also establishes good cause for review despite any procedural default or time bar. The importance of the withheld and misrepresented DNA and lab reports are very significant because without the blood being misrepresented as belonging to the victim, no evidence at all exists to corroborate the coerced false testimony of appellants co-defendant. According to Montgomery v. State, the courts ruled that the uncorroborated testimony of a co-defendant was not enough to convict. In the appellants case, the state used a co-defendant to corroborate another co-defendant, then used that testimony to be corroborated by testimony of lab reports of the victims blood being on the washing machine. That turned out to be not true, but damaging to the defense due to the inability to impeach because lab report was withheld in violation of Brady.

If the states case was sufficient enough to get a lawful conviction, then the state would not have had to resort to unethical tactics such as; the misrepresentation of lab reports, withholding DNA report that excludes the appellant, giving the jury an alternative suspect, "Unknown Male 1", creating reasonable doubt, and the most heinous of them all, presenting perjured testimony of detective Merrick about a fictitious character he claimed was a witness, to bolster the states false claims against appellant. The Assistant DA should have known this "fictitious witness" didn't exist because detective Merrick stated under oath this witness was in police custody for an unrelated crime, and was interviewed on video concerning

the appellant. This video would be considered "work product" and subject to cross examination, a right the appellant was denied because this witness was never produced in court or ever for the appellant to question or to review this video recorded interview. The misconduct by the state is because this video recorded interview does not exist and the state knew it at trial when detective Merrick testified to its existence. The prosecutor would have had to review this video, and exhibit #5, petition for Habeas Corpus on pg. 10, appellant gave the court an excerpt from his trial transcripts where in closing the prosecutor states "what does he tell you?" referring to this fictitious and out of court declarant, but the problem besides this person not really existing is he was not in court, so he tells you nothing. To reiterate the false claim made by prosecution's key witness, whose testimony was used for dual capacity, as an expert witness, and a witness in the states case in chief, the state unfairly tipped the scales of justice illegally in its favor. "Slight of hand tricks" are not permissible, only an earnest and vigorous pursuit of justice. There is no justice when the state uses unethical tactics and deception to get a conviction. Reversal is required.

The courts based its denial on what it called a failure to meet the threshold requirements. Then states "The evidence at trial established that the victim was murdered in the basement of 1921 Division street and that Mr Blake was present at the time incident unfolded. That evidence was based largely on the testimony of two eye witnesses." None of these things were actually proven, because the only linkage evidence was the blood said to belong to the victim found in the alley, to be clear, the state argued that the victim's blood was found on the washing machine in

the basement and that was scientific evidence that linked the victim to the appellant because he frequented that house. Now that the only scientific evidence linking the victim to appellant is known to be "non human in origin", the state has no sufficient evidence to convict.

The courts referred to the "eye witnesses" as if they were independent witnesses not connected to the crime by charges of conspiracy and accessory. The court diminishes their culpability giving the impression that one witness corroborates the other. This is not correct, it's abuse of discretion because the courts are aware the two witnesses were co-defendants and understands it's a difference and a different standard used when judging the veracity of the testimony and its significance. But if the jury are improperly told that these witnesses are not co-defendants, actually stating witness Wagner was never charged, makes this misconduct by the state and abuse of discretion by judge on appeal because evidence exists and has been presented that witness Wagner was charged as an accessory and those charges were not processed until two weeks after petitioner's trial to ensure her coerced cooperation.

Example, Mrs Jones, a neighbor, witnessed the crime and reports it, her eye witness account can be used to stand alone, as opposed to any amount of co-defendants, in according to the courts ruling in *Montgomery v. State*. A co-defendants testimony must be corroborated by independent evidence, not a co-defendant. It was misconduct for the state to mislead the jury and ineffective assistance for appellant's attorney not to object.

Exhibit # D3 was presented to the courts to show a pattern of abuse that led to a innocent man being convicted (See Ex # D3 in full)

admissible for review in order to substantiate claims of actual innocence, and false conviction due to misconduct and abuse. Also the fact that the court in its denial of appeal of actual innocence, merely place appellant at the incident without participation, does not make appellant guilty of a crime. Mere presence law prevents the state from convicting just because a person was present at a crime, witnessed a crime, and did not report a crime. Appellant from the beginning informed the police that he was at one time present at 1921 Division Street, but always maintained innocence. The Court of Special Appeals in its denial of actual innocence appeal never implicated appellant in the crime, but merely states "Mr Blake was present at the time the incident unfolded." So even if the court did not except the fact that as it stated, that the withheld reports "do not provide exculpatory evidence nor even hint at the possibility that Mr Blake maybe actually innocent of the crimes" also and that the misrepresentation of blood claimed to belong to the victim, that was actually non-human, "does not suggest that Mr Blake is innocent of the crimes for which he was convicted." Appellant evokes and relies on this Honorable Court's interpretation of the "mere presence law" to qualify for relief. (See court of appeals opinion filed Jan. 25, 2022)

The court in the same opinion mentioned a misinterpreted issue of the appellant, which changes the entire issue and argument. The court mistakenly says "The fact that Mr Blake's blood was not found in the basement a month after the murder, and the blood found on the washing machine was not of human origin, does not suggest that Mr Blake is innocent of the crimes for which he was convicted."

The appellant respectfully presents to this Honorable Court that never at any time did appellant ever mention the fact that the blood was not the

blood found or present at the scene. Never was the appellant's blood in question, so the court used incorrect information to conclude relief was unwarranted. This alone requires this Honorable Court to consider the damage done to the appellant due to misinterpretation of important issues and facts presented. Appellant is serving a life sentence with 16 years served, so the importance of correctly judging the accurate account and issues raised is crucial and of the highest importance. As in Schlup, appellant's conviction and sentence is a "intolerable event" due to his innocence.

The real issue was the fact that the state emphasized the fact this was a horrible and very violent beating leading to this murder, and it would be almost impossible for the perpetrator to not leave DNA, but the DNA of the appellant was not there. The true perpetrator, Unknown Male 1, left many samples of his DNA and that's a significant difference in the court's interpretation explained in its denial.

The courts denied appellant's request for a hearing stating appellant had failed to assert grounds upon which relief could be granted, for failure to file a motion for new trial pursuant to MD Rule 4-331. Appellant should have overcome any and all time barriers when the courts issued a show cause order dated December 21, 2020 and the courts were satisfied issuing the notice of appeal. (See ex#A) (Ex# D1 response to show cause order)

Along with ineffective assistance of counsel, appellant asserts that unforeseen occurrences also prevented appellant from complying to Md. Rule 4-331. During the same time the courts stated appellant had to file for new trial due to newly discovered evidence, appellant was

transferred involuntarily out of Maryland to Kansas Dept. of Corrections as a interstate corrections compact transfer. Shortly after the mandate from appellants direct appeal was issued, approximately february 2010, appellant relocated outside the jurisdiction of his conviction, with no ability to research Maryland law further reiterating the fact that appellant was at the complete mercy of court appointed attorney given by the state for post conviction. This unforeseen occurrence should qualify under special circumstance to provide an exception to the violation of MD Rule 4-331's one year requirement. To note, under the ICC provision established by law, the prisoner must have fully exhausted all appeals to qualify for transfer.

The appellant was involuntarily placed in conditions that made compliance to MD Rule 4-331's time deadline impossible. Appellant asserts, a hearing as requested and required under C.P. § 8-301 would have cleared all issues up, leaving requested relief the only proper option to undo this Manifest Injustice. C.P. § 8-301(c) requires court to hold a hearing using mandatory language of "must afford a hearing on waiver and must make a finding of facts as to whether applicant willingly and knowingly waived his constitutional rights (Capparella v. Baslow 308 F. Supp. 209 (D. MD. 1970)) waiver shall be excused if petitioner establishes existence of special circumstances (Oken v. State 343 Md. 256, 681 A.2d 30 (1996)) (See Response brief of the appellant No. 1499 Sept. Term 2020) (See State v. Ebb for application of C.P. § 8-301, applies to appellant.)

Appellant refers to C.P. § 8-301 "The courts shall hold a hearing" this mandatory language then refers to the requirements for this mandatory

hearing, subsection (b) and a hearing was requested, all the requirements were met and a hearing was requested, yet the court denied the hearing. Appellant requests all appendixes and exhibits on record in the Court of Special Appeals petition appealing denial of actual innocence be considered in full.

Reasons for Granting the Writ

This Honorable Court should grant this petition because of the constitutional challenges. Issues of the Constitutional magnitude the courts always considers on its merits In The Interests of Justice. The only way to serve justice and undo this Manifest Injustice, this Honorable Court must grant this writ. Appellant relies on C.P. § 8-301(a) where it states "a person charged by indictment or criminal information with a crime triable in Circuit Court of that crime may, at any time file a petition for writ of actual innocence in the Circuit Court for the county in which the conviction was imposed if the person claims that there is newly discovered evidence that: (1) creates a substantial or significant possibility that the results may have been different as that standard has been judicially determined; and (2) could not have been discovered in time to have moved for a new trial under MD. Rule 4-331.

In closing, the appellant PRAYS THIS HONORABLE COURT grant the following relief:

1. Reverse and Remand appellants case
2. Vacate the sentence and conviction
3. Grant Certiorary

4. Order a hearing on the merits of the claims
 5. Order a hearing on the waivers
 6. Immediate release
2. Any and all relief this Honorable Court deem fair and just.

Respectfully Submitted,

Shaidon Blake #96323

EDCF P.O. Box 211

Ev Dorado, KS, 67042

This petition is true to the best of my knowledge under the penalties of perjury.

Shaidon Blake 3-12-22

Certificate of Service

I certify that a copy of this writ was mailed to the office of the attorney General this 12th day of March, 2022 at 200 Saint Paul Place, Baltimore, MD. 21202-2021

Certificate of Filing - MD Rule 1-322

I, Shaidon Blake certify that I am involuntarily confined in EDCF; I have no direct access to the U.S. Postal Service or to a permitted means of E-filing the attached pleading; on March 12, 2022 at approx. 10 AM, I personally deposited the attached pleading for mailing delivered to an employee of EDCF authorized to collect outgoing mail and the item was in mailable form w/ the correct postage on it. I affirm under penalties of perjury this is true.

Shaidon Blake

06/03/13 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 11:18
CASE 106177029 DCM TRACK A DATE 071906 FELONY DRUG INIT
CASE 106177029 STATUS C DATE 022713 PREV ST P 082611 CODEF NO CHANGE 022713
DEF BLAKE, SHIDON ID 984362 SID 002203362 R: B S: M DOB 040372
ADDRESS 2323 WHITTIER ST BALTIMORE MD 21217
DOA 000000 CMPL 61D6273 PHYS LOC DOC 030310 CASE LOC JAL 040372
DOF 062606 TRACK NO 06-1001-28874-0 DIST CASE 4B01755310 WAR 00 CJIS R RI 1
001 000 C USER MUR01 CODE 2C0900 CON- 1ST DEGREE MURDER DISP SENT 053007
ARREST/CITATION NO 0

PLEA NG DATE 041307 VERDICT G DATE 041307
SENTENCE TYPE T DATE 053007 TIME LIFE BEG 051606 SUSP
PROBATION TIME TYPE COST FINE

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
CASI 062606 CGU COPIED FROM 106177028 THRU Q348 ON 06/29/2006 BY CGU
COMM 062606 CGU INDICTMENT FILED
COMM 062606 CGU FILED ASA - FISH, BRIAN , ESQ 257574
CCPH 062706 S8T COMMITMENT PENDING HEARING-BAIL SET NONE
COMM 062906 CJP CSET ARR; P18; 07/19/06; CJP
COMM 071906 CEM CSET JT ; P04; 09/11/06; CEM
TRAK 071906 CEM ASSIGNED TO TRACK A - 60 DAYS ON 07/19/2006
HCAL 071906 1 CGU P18;0930;228 ;ARRG; ;TSET; ;WELCH, MARTIN P;8A2
COMM 071906 CGU TSET 09/11/06 PART 20.

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PAGE 001

I, Frank A. Conway, Clerk of the Circuit Court
of Baltimore City, hereby certify that this is
a true and correct copy from the record in this court.
Witness the hand and seal of the undersigned

Frank A. Conway
3rd day of June 2013

Frank A. Conway
6/3/13
Circuit Court for Baltimore City, Maryland



Appendix Q

06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
MOTE 072106	S8T ENTRY OF APPEARANCE
MOTE 072106	S8T STATE'S REQUEST FOR DISCOVERY
MOTE 072106	S8T STATE'S DISCLOSURE
MOTE 072106	S8T MOTION FOR JOINT TRIAL OF DEFENDANTS AND OFFENSES
MOTE 072106	S8T NOTICE OF PLEA BARGAIN POLICY
COMM 072106	S8T MOTION TO DISCOVERY AND INSPECTION FILED BY SHADON BLAKE
COMM 080106	CGU NOTICE TO STRIKE APPEARANCE FILED.
FILE 080106	CGU FILED APA - LAYE, DENNIS , ESQ 476116
MOTF 080706	S8T MOTION FOR SPEEDY TRIAL
MOTF 080706	S8T MOTION TO PRODUCE DOCUMENTS
MOTF 080706	S8T REQUEST FOR DISCOVERY
MOTF 080706	S8T MOTION TO SUPPRESS PURSUANT TO MD 4-252 AND 4-253
MOTF 080706	S8T MOTION FOR GRAND JURY TESTIMONY
MOTF 080706	S8T DEMAND FOR CHEMIST
COMM 081006	S8R STATE'S SUPPLEMENTAL DISCLOSURE FD
COMM 082406	S8T STATE'S SUPPLEMENTAL DISCLOSURE FILED BY BRIAN FISH
COMM 083006	S8T STATE'S SUPPLEMENTAL DISCLOSURE FILED BY BRIAN FISH
COMM 083006	S8T STATE'S SUPPLEMENTAL DISCLOSURE FILED BY BRIAN FISH
HCAL 091106	CTJ P04;0900;400 ;JT ; ;POST;PS5;SCHWART, ALLEN ;8B2

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
HWNO 091106	S8T POSTPONEMENT FORM FILED; HICKS (MD RULE 4-271) NOT WAIVED
COMM 091106	S8T REFERRED TO ADMIN. COURT
COMM 091206	CTJ CSET JT ; P04; 12/06/06; CTJ (P.P.9-11-06)
COMM 092206	CGU STATE'S SUPPLEMENTAL DISCLOSURE FILED.
COMM 100206	CBD STATE'S SUPPLEMENTAL DISCLOSURE FILED
COMM 101106	CCJ STATE'S SUPPLEMENTAL DISCLOSURE FLD
COMM 110206	S8T STATE'S SUPPLEMENTAL DISCLOSURE FILED BY BRIAN FISH
HWNO 120606	S8T POSTPONEMENT FORM FILED; HICKS (MD RULE 4-271) NOT WAIVED.
COMM 120606	CBS TO ADMIN COURT. HICKS REFUSED.
HCAL 120606	CML P04;0900;400 ;JT ; ;POST;PIV;SCHWAIT, ALLEN ;8B2
COMM 121206	CML CSET JT ; P46; 03/05/07; CML, PER PP
COMM 121806	CML CSET JT ; P46; 03/05/07; CML
HCAL 030507	CEM P46;0930;540 ;JT ; ;POST;CC ;HEARD, WANDA KE;8B7
COMM 030507	CCJ CONTINUED TO 3/6/07 PART 46.
HWNO 030607	CGU POSTPONEMENT FORM FILED; HICKS (MD RULE 4-271) NOT WAIVED
COMM 030607	S8R REFERRED TO ADMINISTRATIVE COURT
COMM 030707	CEM CSET JT ; P46; 03/29/07; CEM; PER POSTPONEMENT 3/6/07
COMM 030707	CNR STATE'S SUPPLEMENTAL DISCLOSURE FILED
COMM 031407	CNR STATE'S SUPPLEMENTAL DISCLOSURE FILED

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06/03/13 CRIMINAL COURT OF BALTIMORE
CASE 106177029 ST C BLAKE, SHIDON

CASE INQUIRY 11:18
984362 COD N DCM A 071906

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 032607	CBD STATE'S SUPPLEMENTAL DISCLOSURE FILED
COMM 032607	CBD STATE'S SUPPLEMENTAL DISCLOURE FILED
HCAL 032907	S8R P46;0200;540 ;JT ; ;XFER; ;HEARD, WANDA KE;8B7
HCAL 032907	S8T P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847
COMM 032907	S8T DEFENSE MOTION IN LIMINE TO SUPPRESS TAPED STATEMENTS HEARD
COMM 032907	S8T AND DENIED - CASE TO CONTINUE ON 3/30/07 IN PART 1 - JAIL
COMM 032907	S8T CARD ISSUED - FILE IN COURT
COMM 032907	S8D STATE'S SUPPLEMENTAL DISCLOSURE FILED
COMM 033007	S8R CSET JT ; P01; 03/29/07; S8R
HCAL 033007 1	S8T P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847
COMM 033007	S8T DEFENSE #'S 2 & 3 (JERMILE HARVEY & JANET JOHNSON) MOTIONS
COMM 033007	S8T FOR SEVERANCE HEARD & DENIED - DEFENSE #'S 2 & 3 MOTIONS TO
COMM 033007	S8T SUPPRESS CERTAIN PORTIONS OF TAPED STATEMENT HEARD & GRANTED
COMM 033007	S8T AS TO PORTIONS OF PAGES 13,22,23,24 & 25 & DENIED AS TO
COMM 033007	S8T PORTIONS OF PAGES 15 & 21 - CASE TO CONTINUE ON 4/2/07 IN
COMM 033007	S8T PART 1 - JAIL CARD ISSUED - FILE IN COURT
COMM 040207	S8T CSET JT ; P01; 03/30/07; S8T
HCAL 040207 1	S8R P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847
COMM 040207	S8R STATE'S MOTION TO COMPEL TESTIMONY WAS HEARD AND

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 040207 S8R HEREBY DENIED; CASE CONTINUED TO 4-3-07 PT.1; JAIL

COMM 040207 S8R CARD ISSUED; FILE IN COURT PREVAS,J

COMM 040307 S8R CSET JT ; P01; 04/02/07; S8R

HCAL 040407 1 S8R P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847

COMM 040407 S8R VOIR DIRE OATH ADMINISTERED; JURY PANEL SELECTED AND SWORN;

COMM 040407 S8R STATE'S RENEWED MOTION TO COMPEL TESTIMONY WAS HEARD AND

COMM 040407 S8R HEREBY GRANTED; CASE CONTINUED TO 4-4-07; JAIL CARD ISSUED;

COMM 040407 S8R FILE IN COURT PREVAS,J

COMM 040507 S8R CSET JT ; P01; 04/04/07; S8R

HCAL 041007 1 S8T P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847

COMM 041007 S8T JUROR IN SEAT #2 WAS EXCUSED & REPLACED W/ALT #1 - STATE

COMM 041007 S8T RESTS - DEFENSE MOTION FOR JUDGEMENT OF ACQUITTAL HEARD

COMM 041007 S8T & DENIED - DEFENSE RESTS - DEFENSE RENEWED MOTION FOR

COMM 041007 S8T JUDGEMENT OF ACQUITTAL HEARD & DENIED - CASE TO CONTINUE

COMM 041007 S8T ON 4/11/07 IN PART 1 - JAIL CARD ISSUED - FILE IN COURT

HCAL 041107 1 S8T P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847

COMM 041107 S8T CASE TO CONTINUE ON 4/12/07 IN PART 1 - JAIL CARD ISSUED

HCAL 041207 1 SCJ P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847

COMM 041207 SCJ CASE CONTINUED UNTIL 4/13/07 .IN PT 1. JAIL CARD ISSUED. FIC

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 041307 S8T CSET JT ; P01; 04/10/07; S8T
 COMM 041307 S8T CSET JT ; P01; 04/11/07; S8T
 COMM 041307 SCJ CSET JT ; P01; 04/12/07; SCJ
 HCAL 041307 1 CCJ P01;0900;528 ;JT ;JT;SUBC; ;PREVAS, ;847
 COMM 041307 CCJ DISPOSITION HELD SUBCURIA UNTIL 5/29/07 PART 1, ISSUE JAIL
 COMM 041307 CCJ CARD.
 COMM 041707 CCJ CSET JT ; P01; 04/13/07; CCJ
 COMM 041707 CEM CSET DISP; P01; 05/29/07; CEM; PER CT. CLK. 4/13/07
 COMM 042307 S8T MOTION FOR NEW TRIAL AND REQUEST FOR HEARING FILED BY
 COMM 042307 S8T DENNIS LAYE CC:JUDGE PREVAS
 HCAL 053007 1 S8T P01;0930;528 ;DISP;DS;JUDG; ;PREVAS, ;847
 CCAS 053007 S8T CASE CLOSED - ALL COUNTS DISPOSED Q326
 COMM 053007 S8T MOTION FOR NEW TRIAL HEARD & DENIED
 COMM 053107 S8T CSET DISP; P01; 05/30/07; S8T
 APPL 060107 CKS APFD;APPEAL TO COURT SPECIAL APPEAL FILED
 COMM 060107 CKS *****ASSIGNED SBJ*****DUE 7-31-07
 COMM 060107 CKS ****FILE IN CABNET DRAWER IN APPEALS.*****
 COMM 060107 S8M MOTION TO MODIFY SENTENCE FILED. CC J. PREVAS
 COMM 061107 CBD MOTION TO MODIFY SENTENCE FILED, CC JUDGE PREVAS

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 061207	CBD MOTION TOMODIFY SENTENCE FILED, CC JUDGE PREVAS
COMM 061407	CSG REPORTER NOTIFICATION FILED.
COMM 072307	CSG APPOINTMENT OF GERALDINE K. SWEENEY, COUNSEL FOR APPELLANT.
COMM 080907	CSJ MISSING STATE'S EXHIBIT #'S 12, 13, 14, 34, 36, 37 & 38.
COMM 081007	CSJ ORIGINAL PAPERS FORWARDED TO COSA VIA CERTIFIED MAIL #'S
COMM 081007	CSJ 7005 1820 0002 7872 1598 & 7005 1820 0002 7872 1604
COMM 081007	CSJ (2) BINDERS, (1) ENV, EXHIBITS & (3) BOARDS, NO TRANSCRIPTS
COMM 081007	CSJ TRANSMITTED WITH CO-DEFENDANT'S JANET JOHNSON 106145002-3
COMM 081007	CSJ AND JERMILE HARVEY 106200024-25.
COMM 082707	CKS *****POSSIBLE EXHIBIT (CD) HAS BEEN PLACED IN THE ORIGINAL
COMM 082707	CKS FILE AWAITING A MOTION TO SUPPLEMENT THE RECORD.
COMM 092407	CSG RIGLER AND O'NEILL COURT REPORTERS, INC., TURNED IN
COMM 092407	CSG SUPPLMENTAL TRANSCRIPTS OF PROCEEDINGS DATES, 03-29,03-30,
COMM 092407	CSG 04-02,04-03,04-04,04-05,04-10,04-11,04-12,04-13,05-30 AND
COMM 092407	CSG 06-01, ALL OF 2007.
COMM 120307	CSJ ORDER DATED 11-26-07 THAT THE CLERK OF CIRCUIT COURT FOR
COMM 120307	CSJ BALTO, CITY BE, AND IS HEREBY DIRECTED TO TRANSMIT TO COSA,
COMM 120307	CSJ FORTHWITH, THE TRANSCRIPTS OF 1-8-07, 1-9-07 & 1-10-07, IN
COMM 120307	CSJ THE CASE OF EDWIN SHERIF BACON V. STATE OF MD., NO 807005001

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 120307 CSJ AND THE UPON RECEIPT IN THIS COURT THAT THE SAME SHALL BE

COMM 120307 CSJ MADE PART OF THE RECORD IN THIS CASE.

COMM 120307 CSJ ORDER DATED 11-26-07 THAT THE CLERK OF THE CIRCUIT COURT FOR

COMM 120307 CSJ BALTO, CITY BE, AND IS HEREBY DIRECTED TO TRANSMIT TO COSA,

COMM 120307 CSJ FORTHWITH, THE TRANSCRIPTS OF 3-29, 3-30, 4-2, 4-3, 4-4, 4-5

COMM 120307 CSJ 4-10, 4-11, 4-12, 4-13, 5-30 & 6-1 OF 2007, IN THE CASE OF

COMM 120307 CSJ SHADON EMANUEL BLAKE AKA SHIDON BLAKE AKA SHAMVOY BLAKE V.

COMM 120307 CSJ STATE OF MD. NO. 106177028-29, AND THAT UPON RECEIPT IN THIS

COMM 120307 CSJ CASE THAT THE SAME SHALL BE MADE PART OF THE RECORD ON

COMM 120307 CSJ APPEAL IN THIS CASE. NS

COMM 120707 CKS ORDER TO SUPPLEMENT, DOCKET ENTRIES, (12) TRANSCRIPTS

COMM 120707 CKS FORWARDED TO COSA VIA CERTIFIED MAIL 7002 0860 0006

COMM 120707 CKS 6078 2767.

COMM 041709 CSG PETITION FOR WRIT OF CERTIORARI FILED IN THE COURT OF

COMM 041709 CSG APPEALS OF MARYLAND, BESSIE M. DERBER, CLERK, COURT OF

COMM 041709 CSG APPEALS OF MARYLAND.

COMM 042309 CKS *****

COMM 042309 CKS COURTESY COPY OF MANDATE PLACED IN ORIGINAL FILE, RECORD

COMM 042309 CKS STILL WITH THE COURT OF SPECIAL APPEALS, KAS.

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 042309	CKS *****
COMM 062409	CSG ORDERED, THAT THE PETITION FOR WRIT OF CERTIORARI, IS HEREBY
COMM 062409	CSG DENIED, PER ROBERT M. BELL, CHIEF JUDGE, OF THE COURT OF
COMM 062409	CSG APPEALS OF MARYLAND.
COMM 072109	CSJ PETITION FOR POST CNVICTION RELIEF FILED PRO-SE. PETITION
COMM 072109	CSJ FORWARDED TO JUDGE BERNSTEIN BECAUSE CASE IS PENDING APPEAL.
ARTN 072109	CKS AJAC;APPEAL RETURNED-JUDGMENT AFFIRMED
CCAS 072109	CKS CASE CLOSED Q327
COMM 072809	CSJ ORDERED THAT THE PETITION FOR POST CONVICTION RELIEF BE
COMM 072809	CSJ STAYED PENDING FINAL RESOLUTION OF THE APPEAL. BERNSTEIN, J.
COMM 091609	CKS POST CONVICTION NO. 10319
COMM 091609	CKS DOCKET ENTRIES FILED
PCFD 091609	CKS POST CONVICTION FILED
COMM 091709	CKS PACKET HAND DELIVERED TO TRAVIS.
COMM 091709	CKS FRONT SHEET HAND DELIVERED TO JULIE.
COMM 091709	CKS RECEIPT FROM SAO-TRAVIS.
COMM 091809	CJP ASSIGNED JUDGE GAIL RASIN JP.
COMM 092109	CSJ MOTION TO DISMISS POST CONVICTION PETITION & RESPONSE
COMM 092109	CSJ FILED BY STATE.

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 092309	CSJ ORIGINAL & POST CONVICTION FILE DELIVERED TO JUDGE RASIN
FILE 111809	CSM FILED APD - JONES, JUDITH B , ESQ 343500
COMM 010410	CTL CSET PC ; P19; 06/01/10; CTL PER ADD-ON
COMM 051710	CRJ FILED ASA - BLOMQUIST, CHARLES , ESQ 69937
COMM 051710	CSJ STATE'S SUPPLEMENTAL RESPONSE IN OPPOSITION TO PETITIONER'S
COMM 051710	CSJ AMENDED PETITION FOR POST CONVICTION RELIEF FILED &
COMM 051710	CSJ FORWARDED TO JUDGE RASIN.
COMM 052110	CFH PETITIONER'S REQUEST FOR CONTINUANCE OF HEARING ON
COMM 052110	CFH POST CONVICTION FILED AND FORWARDED TO JUDGE RASIN.
COMM 052710	CFH ORDER OF THE COURT: HAVING READ AND CONSIDERED THE FOREGOING
COMM 052710	CFH REQUEST FOR CONTINUANCE OF HEARING ON POST-CONVICTION IT IS
COMM 052710	CFH BY THE CIRCUIT COURT FOR THIS 25TH DAY OF MAY 2010, ORDERED.
COMM 052710	CFH THAT THE CONTINUANCE IS HEREBY GRANTED PER JUDGE RASIN.
HCAL 060110	CEM P19;0200;509 ;PC ; ;POST;CAN;RASIN, ;8203
COMM 060110	S8T POSTPONED, TO BE RESET BY THE COURT
COMM 082410	CSU SUPPLEMENTAL PETITION FOR POST CONVICTION RELIEF FLD. AND
COMM 082410	CSU FORWARDED TO JUDGE RASIN.
COMM 100610	CML CSET PC ; P19; 03/29/11; CML
HCAL 032911	CBS P19;0200;509 ;PC ; ;OTHR; ;RASIN, GAIL ;919

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 032911 CBS PETITION FOR POST CONVICTION RELIEF IS HEARD AND THE COURT

COMM 032911 CBS WILL ISSUE A WRITTEN OPINION. RASIN, J. (FILE W/LAW CLERK)

COMM 033011 CFH BINDER, TRANSCRIPTS AND EXHIBITS DELIVERED TO JUDGE RASIN.

COMM 040811 CFH MEMORANDUM PURSUANT TO PETITIONER'S HEARING ON POST

COMM 040811 CFH CONVICTION FILED BY DEFENDANT ATTORNEY AND FORWARDED

COMM 040811 CFH TO JUDGE RASIN.

PCDN 080911 CSU POST CONVICTION DENIED

CCAS 080911 CSU CASE CLOSED Q327

COMM 080911 CSU MEMORANDUM OPINION & ORDER: IT IS HEREBY ORDERED THIS 5TH

COMM 080911 CSU DAY OF AUGUST, 2011 THAT THE PETITION FOR POST CONVICTION

COMM 080911 CSU RELIEF IS HEREBY DENIED PER JUDGE RASIN. ORIGINAL FILE,

COMM 080911 CSU BRICK BINDER CONTAINING (1) ENVELOPE WITH EXHIBITS,

COMM 080911 CSU (3) SMALL POSTERBOARDS, (2) BINDERS WERE RET'D TO FILE ROOM

COMM 080911 CSU PC FILE WAS RET'D TO FILE CABINET IN THE BACK OF ROOM 200W.

COMM 081011 CFH BINDERS(3) TRANSCRIPTS(11) RETURNED TO FILE ROOM.

APPL 082611 CSU APPC;APPEAL FOR POST CONVICTION

COMM 082611 CSU APPLICATION FOR LEAVE TO APPEAL THE DENIAL OF POST CON-

COMM 082611 CSU VICTION RELIEF FLD. DUE TO TRANSMIT ON 09-26-11.

COMM 082611 CSU *****ASSIGNED TO LH*****

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* 11:18:34 Monday, June 03, 2013

Case 8:13-cv-01160-AW Document 17-1 Filed 08/29/13 Page 27 of 29

06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 090211 CSU ORIGINAL PAPERS FORWARDED TO COSA VIA CERTIFIED MAIL #7002-

COMM 090211 CSU 0860-0006-6076-5319. (1) BINDER, NO EXHIBITS, AND NO TRANS-

COMM 090211 CSU CRIPTS.

CCMA 012813 CSU COURTESY COPY OF COSA MANDATE ;TICKLE DATE= 20130314

COMM 012813 CSU MANDATE: COURT OF SPECIAL APPEALS NO. 1386, SEPT. TERM 2011

COMM 012813 CSU OPINION: APPLICATION FOR LEAVE TO APPEAL DENIED

COMM 012813 CSU MANDATE ISSUED: 01-22-2013

COMM 022713 CSU MANDATE RETURNED/RECEIVED

ARTN 022713 CSU PCAD;APPLICATION DENIED - POST CONVICTION

CCAS 022713 CSU CASE CLOSED Q327

COMM 022713 CSU PC FILE & BINDER WAS RET'D TO POST CONVICTION SECTION.

CON FULL NAME/PHONE NUMBER

IDENT ADD/FILE STREET/CITY STATE ZIPCODE V/W

AKA

070506 2223 WHITTIER ST

BALTIMORE MD 21217

AKA BLAKE, SHADON EMANUEL

070506

AKA SMITH, SHAMVOY

062906

ADS ZEIT, LINDA B

918835 080206 201 SAINT PAUL PL

BALTIMORE MD 21202

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

CON FULL NAME/PHONE NUMBER

IDENT ADD/FILE STREET/CITY STATE ZIPCODE V/W

APD JONES, JUDITH B

343500 111909 7500 GOV RITCHIE HWY STE 111

410-412-7112

111809 GLENBURNIE MD 21061

APA LAYE, DENNIS

476116 080206 38 WEST 25TH STREET

410-235-6868

080106 BALTIMORE MD 21218

ASA FISH, BRIAN

257574 062906 110 N CALVERT ST

410-396-1757

062606 BALTIMORE MD 21202

ASA BLOMQUIST, CHARLES

69937 051710 120 E BALTIMORE ST #1018

443-984-6019

051710 BALTIMORE MD 21202

WIS OFFICER, BOLLING

062906 1034 N. MOUNT ST

BALTIMORE MD 21217

PO MCLARNEY, TERRENCE P

C303 062906 NORTHWESTERN DISTRICT

PO PETREY, RICHARD H II

D530 062906 CENTRAL DISTRICT

PO BAKER, SCOTT S

E026 062906 DET DIV HOMICIDE SECTION

PO HEATH, ROBERT R

E417 062906 DET DIV HOMICIDE SECTION

PO JONES, SEAN P

E782 062906 DET DIV HOMICIDE SECTION

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11:16:35 Monday, June 03, 2013

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177029 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

CON FULL NAME/PHONE NUMBER

IDENT ADD/FILE STREET/CITY STATE ZIPCODE V/W

PO DOHONY, ROBERT L

F004 062906 DET DIV HOMICIDE SECTION

PO FATA, ANTHONY N

G106 062906 DET DIV HOMICIDE SECTION

END OF DATA

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11:18:12 Monday, June 03, 2013

Case 8:13-cv-01160-AW Document 17-1 Filed 08/29/13 Page 1 of 29

06/03/13 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 11:18
CASE 106177028 DCM TRACK A DATE 071906 FELONY DRUG INIT
CASE 106177028 STATUS C DATE 022713 PREV ST P 082611 CODEF NO CHANGE 022713
DEF BLAKE, SHIDON ID 984362 SID 002203362 R: B S: M DOB 040372
ADDRESS 2323 WHITTIER ST BALTIMORE MD 21217
DOA 000000 Cmpl 61D6273 PHYS LOC DOC 030310 CASE LOC DOC 030310
DOF 062606 TRACK NO 06-1001-28874-0 DIST CASE 4B01755310 WAR 00 CJIS R RI 1
001 000 C USER MUR01 CODE 2 0900 MURDER-FIRST DEGREE DISP NG 041307
ARREST/CITATION NO 0

PLEA NG DATE 041307 VERDICT NG DATE 041307
SENTENCE TYPE DATE TIME BEG SUSP
PROBATION TIME TYPE COST FINE
002 000 C USER DW CODE 1 5202 DEADLY WEAPON-CONCEAL DISP NG 041307
ARREST/CITATION NO 0

PLEA NG DATE 041307 VERDICT NG DATE 041307
SENTENCE TYPE DATE TIME BEG SUSP
PROBATION TIME TYPE COST FINE
003 000 C USER DW CODE 1 5200 DEADLY WEAPON-INT INJU DISP NG 041307
ARREST/CITATION NO 0

PLEA NG DATE 041307 VERDICT NG DATE 041307
SENTENCE TYPE DATE TIME BEG SUSP
PROBATION TIME TYPE COST FINE

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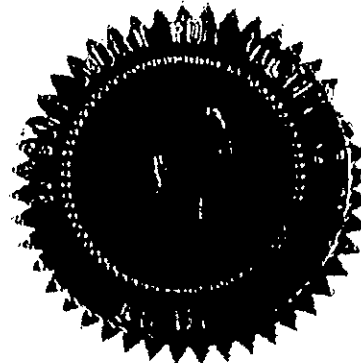
PAGE 001

3rd

June

13

6/3/13



11:18:13 Monday, June 03, 2013

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

004 000 C USER MUR05 CODE 1 0999

MURDER-2ND DEGREE

DISP SENT 053007

ARREST/CITATION NO 0

PLEA NG DATE 041307 VERDICT G DATE 041307

SENTENCE TYPE T DATE 053007 TIME 30Y00M00DCC BEG 051606 SUSP

PROBATION TIME TYPE COST FINE

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

CASI 062606 CGU CASE ADDED THROUGH ON-LINE ON THIS DATE 20060629

COMM 062606 CGU 6177029ENT FILED

COMM 062606 CGU FILED ASA - FISH, BRIAN , ESQ 257574

CCPH 062706 S8T COMMITMENT PENDING HEARING-BAIL SET NONE

COMM 062906 CJP CSET ARR; P18; 07/19/06; CJP

COMM 071906 CEM CSET JT ; P04; 09/11/06; CEM

TRAK 071906 CEM ASSIGNED TO TRACK A - 60 DAYS ON 07/19/2006

HCAL 071906 1 CGU P18;0930;228 ;ARRG; ;TSET; ;WELCH, MARTIN P;8A2

COMM 071906 CGU TSET 09/11/06 PART 20

MOTE 072106 S8T ENTRY OF APPEARANCE

MOTE 072106 S8T STATE'S REQUEST FOR DISCOVERY

MOTE 072106 S8T STATE'S DISCLOSURE

MOTE 072106 S8T MOTION FOR JOINT TRIAL OF DEFENDANTS AND OFFENSES

MOTE 072106 S8T NOTICE OF PLEA BARGAIN POLICY

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 072106	S8T MOTION TO DISCOVERY AND INSPECTION FILED BY SHAIDON BLAKE
COMM 080106	CGU NOTICE TO STRIKE APPEARANCE FILED.
FILE 080106	CGU FILED APA - LAYE, DENNIS , ESQ 476116
MOTF 080706	S8T MOTION FOR SPEEDY TRIAL
MOTF 080706	S8T MOTION TO PRODUCE DOCUMENTS
MOTF 080706	S8T REQUEST FOR DISCOVERY
MOTF 080706	S8T MOTION TO SUPPRESS PURSUANT TO MD 4-252 AND 4-253
MOTF 080706	S8T MOTION FOR GRAND JURY TESTIMONY
MOTF 080706	S8T DEMAND FOR CHEMIST
COMM 081006	S8R STATE'S SUPPLEMENTAL DISCLOSURE FD
COMM 082406	S8T STATE'S SUPPLEMENTAL DISCLOSURE FILED BY BRIAN FISH
COMM 083006	S8T STATE'S SUPPLEMENTAL DISCLOSURE FILED BY BRIAN FISH
COMM 083006	S8T STATE'S SUPPLEMENTAL DISCLOSURE FILED BY BRIAN FISH
HCAL 091106	CTJ P04;0900;400 ;JT ; ;POST;PS5;SCHWAIT, ALLEN ;8B2
HWNO 091106	S8T POSTPONEMENT FORM FILED; HICKS (MD RULE 4-271) NOT WAIVED
COMM 091106	S8T REFERRED TO ADMIN. COURT
COMM 091206	CTJ CSET JT ; P04; 12/06/06; CTJ (P.P.9-11-06)
COMM 092206	CGU STATE'S SUPPLEMENTAL DISCLOSURE FILED.
COMM 100206	CBD STATE'S SUPPLEMENTAL DISCLOSURE FILED

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 101106 CCJ STATE'S SUPPLEMENTAL DISCLOSURE FLD
 COMM 110206 S8T STATE'S SUPPLEMENTAL DISCLOSURE FILED BY BRIAN FISH
 HCAL 120606 CML P04;0900;400 ;JT ; ;POST;PIV;SCHWAIT, ALLEN ;8B2
 HWNO 120606 S8T POSTPONEMENT FORM FILED; HICKS (MD RULE 4-271) NOT WAIVED
 COMM 120606 CBS TO ADMIN COURT. HICKS REFUSED.
 COMM 120706 CML CSET JT ; P46; 03/05/07; CML, PER PP
 COMM 121806 CML CSET JT ; P46; 03/05/07; CML
 HCAL 030507 CEM P46;0930;540 ;JT ; ;POST;CC ;HEARD, WANDA KE;8B7
 COMM 030507 CCJ CONTINUED TO 3/6/07 PART 46.
 HWNO 030607 CGU POSTPONEMENT FORM FILED; HICKS (MD RULE 4-271) NOT WAIVED
 COMM 030607 S8R REFERRED TO ADMINISTRATIVE COURT
 COMM 030707 CEM CSET JT ; P46; 03/29/07; CEM; PER POSTPONEMENT 3/6/07
 COMM 030707 CEM CSET JT ; P46; 03/29/07; CEM
 COMM 030707 CNR STATE'S SUPPLEMENTAL DISCLOSURE FILED
 COMM 031407 CNR STATE'S SUPPLEMENTAL DISCLOSURE FILED
 COMM 032607 CBD STATE'S SUPPLEMENTAL DISCLOSURE FILED
 COMM 032607 CBD STATE'S SUPPLEMENTAL DISCLOURE FILED
 HCAL 032907 CEM P46;0200;540 ;JT ; ;POST;CC ;HEARD, WANDA KE;8B7
 COMM 032907 CLS CASE SENT TO PT 1- J PREVAS, PER J HEARD. LS

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER	PART	TIME	ROOM	REAS	/	EVENT	COMMENT
HCAL 032907	S8R	P46;	0200;	540	;JT	;	XFER;	;HEARD, WANDA KE;8B7
HCAL 032907	S8T	P01;	0900;	528	;JT	;	CONT;	;PREVAS, ;847
COMM 032907	S8T	DEFENSE MOTION IN LIMINE TO SUPPRESS TAPED STATEMENTS HEARD						
COMM 032907	S8T	AND DENIED - CASE TO CONTINUE ON 3/30/07 IN PART 1 - JAIL						
COMM 032907	S8T	CARD ISSUED - FILE IN COURT						
COMM 032907	S8D	STATE'S SUPPLEMENTAL DISCLOSURE FILED						
COMM 033007	S8R	CSET	JT	;	P01;	03/29/07;	S8R	
HCAL 033007	1 S8T	P01;	0900;	528	;JT	;	CONT;	;PREVAS, ;847
COMM 033007	S8T	DEFENSE #'S 2 & 3 (JERMILE HARVEY & JANET JOHNSON) MOTIONS						
COMM 033007	S8T	FOR SEVERANCE HEARD & DENIED - DEFENSE #'S 2 & 3 MOTIONS TO						
COMM 033007	S8T	SUPPRESS CERTAIN PORTIONS OF TAPED STATEMENT HEARD & GRANTED						
COMM 033007	S8T	AS TO PORTIONS OF PAGES 13,22,23,24 & 25 & DENIED AS TO						
COMM 033007	S8T	PORTIONS OF PAGES 15 & 21 - CASE TO CONTINUE ON 4/2/07 IN						
COMM 033007	S8T	PART 1 - JAIL CARD ISSUED - FILE IN COURT						
COMM 040207	S8T	CSET	JT	;	P01;	03/30/07;	S8T	
HCAL 040207	1 S8R	P01;	0900;	528	;JT	;	CONT;	;PREVAS, ;847
COMM 040207	S8R	STATE'S MOTION TO COMPEL TESTIMONY WAS HEARD AND						
COMM 040207	S8R	HEREBY DENIED; CASE CONTINUED TO 4-3-07 PT.1; JAIL						
COMM 040207	S8R	CARD ISSUED; FILE IN COURT PREVAS,J						

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 040307 S8R CSET JT ; P01; 04/02/07; S8R

HCAL 040407 1 S8R P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847

COMM 040407 S8R VOIR DIRE OATH ADMINISTERED; JURY PANEL SELECTED AND SWORN;

COMM 040407 S8R STATE'S RENEWED MOTION TO COMPEL TESTIMONY WAS HEARD AND

COMM 040407 S8R HEREBY GRANTED; CASE CONTINUED TO 4-4-07; JAIL CARD ISSUED;

COMM 040407 S8R FILE IN COURT PREVAS,J

COMM 040507 S8R CSET JT ; P01; 04/04/07; S8R

HCAL 041007 1 S8T P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847

COMM 041007 S8T JUROR IN SEAT #2 WAS EXCUSED & REPLACED W/ALT #1 - STATE

COMM 041007 S8T RESTS - DEFENSE MOTION FOR JUDGEMENT OF ACQUITTAL HEARD

COMM 041007 S8T & DENIED - DEFENSE RESTS - DEFENSE RENEWED MOTION FOR

COMM 041007 S8T JUDGEMENT OF ACQUITTAL HEARD & DENIED - CASE TO CONTINUE

COMM 041007 S8T ON 4/11/07 IN PART 1 - JAIL CARD ISSUED - FILE IN COURT

HCAL 041107 1 S8T P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847

COMM 041107 S8T CASE TO CONTINUE ON 4/12/07 IN PART 1 - JAIL CARD ISSUED

HCAL 041207 1 SCJ P01;0900;528 ;JT ; ;CONT; ;PREVAS, ;847

COMM 041207 SCJ CASE CONTINUED UNTIL 4/13/07 IN PT 1. JAIL CARD ISSUED. FIC

COMM 041307 S8T CSET JT ; P01; 04/10/07; S8T

COMM 041307 S8T CSET JT ; P01; 04/11/07; S8T

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 041307 SCJ CSET JT ; P01; 04/12/07; SCJ

HCAL 041307 1 CCJ P01;0900;528 ;JT ;JT;SUBC; ;PREVAS, ;847

COMM 041307 CCJ DISPOSITION HELD SUBCURIA UNTIL 5/29/07, PLEASE ISSUE

COMM 041307 CCJ JAIL CARD.

COMM 041707 CCJ CSET JT ; P01; 04/13/07; CCJ

COMM 041707 CEM CSET DISP; P01; 05/29/07; CEM; PER CT. CLK. 4/13/07

COMM 042307 S8T MOTION FOR NEW TRIAL AND REQUEST FOR HEARING FILED BY

COMM 042307 S8T DENNIS LAYE CC:JUDGE PREVAS

HCAL 053007 1 S8T P01;0930;528 ;DISP;DS;JUDG; ;PREVAS, ;847

CCAS 053007 S8T CASE CLOSED - ALL COUNTS DISPOSED Q326

COMM 053007 S8T MOTION FOR NEW TRIAL HEARD & DENIED - SENTENCE TO RUN

COMM 053007 S8T CONCURRENT W/SENTENCE IN CASE #106177029

COMM 053107 S8T CSET DISP; P01; 05/30/07; S8T

APPL 060107 CKS APFD;APPEAL TO COURT SPECIAL APPEAL FILED

COMM 060107 CKS *****ASSIGNED SBJ*****DUE 7-31-07

COMM 060107 CKS ****CASE FILE IN CABNET DRAWER IN APPEALS*****

COMM 060107 S8M MOTION TO MODIFY SENTENCE FILED. CC J. PREVAS

COMM 061107 CBD MOTION TO MODIFY SENTENCE FILED, CC JUDGE PREVAS

COMM 061207 CBD MOTION TOMODIFY SENTENCE FILED, CC JUDGE PREVAS

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER	PART	TIME	ROOM	REAS /	EVNT	COMMENT
COMM 061407	CSG	REPORTER	NOTIFICATION	FILED.			
COMM 072307	CSG	APPOINTMENT	OF	GERALDINE K. SWEENEY,	COUNSEL	FOR	APPELLANT.
COMM 080907	CSJ	MISSING	STATE'S	EXHIBIT #'S	12, 13, 14, 34, 36, 37 & 38.		
COMM 081007	CSJ	ORIGINAL	PAPERS	FORWARDED	TO COSA VIA CERTIFIED MAIL #'S		
COMM 081007	CSJ	7005	1820	0002	7872 1598 & 7005 1820 0002 7872 1604		
COMM 081007	CSJ	(2)	BINDERS,	(1)	ENV, EXHIBITS & (3) BOARDS, NO TRANSCRIPTS		
COMM 081007	CSJ	TRANSMITTED	WITH	CO-DEFENDANT'S	JANET JOHNSON 106145002-3		
COMM 081007	CSJ	&	JERMILE	HARVEY	106200024-25.		
COMM 082707	CKS	*****	POSSIBLE	EXHIBIT (CD)	HAS BEEN PLACED IN THE ORIGINAL		
COMM 082707	CKS	FILE	AWAITING	A MOTION	TO SUPPLEMENT THE RECORD.		
COMM 092407	CSG	RIGLER	AND	O'NEILL	COURT REPORTERS, INC., TURNED IN		
COMM 092407	CSG	SUPPLEMENTAL	TRANSCRIPTS	OF	PROCEEDINGS DATES, 03-29, 03-30,		
COMM 092407	CSG	04-02, 04-03, 04-04, 04-05, 04-10, 04-11, 04-12, 04-13, 05-30	AND				
COMM 092407	CSG	06-01,	ALL	OF	2007.		
COMM 120307	CSJ	ORDER	DATED	11-26-07	THAT THE CLERK OF THE CIRCUIT COURT FOR		
COMM 120307	CSJ	BALTO.	CITY	BE,	AND IS HEREBY DIRECTED TO TRANSMIT TO THIS		
COMM 120307	CSJ	COURT,	FORTHWITH,	THE	TRANSCRIPTS OF 3-29, 3-30, 4-2, 4-3,		
COMM 120307	CSJ	4-4, 4-5, 4-10, 4-11, 4-12, 4-13, 5-30 & 6-1	OF	2007,	IN THE		
COMM 120307	CSJ	CASE	OF	SHIDON	BLAKE NO. 106177028-29, AND THAT UPON RECEIPT		

wrong lawyer

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 120307	CSJ IN THIS COURT THAT THE SAME SHALL BE MADE PART OF THE RECORD
COMM 120307	CSJ ON APPEAL IN THIS CASE. NS
COMM 041709	CSG PETITION FOR WRIT OF CERTIORARI FILED IN THE COURT OF
COMM 041709	CSG APPEALS OF MARYLAND, BESSIE M. DERBER, CLERK, COURT OF
COMM 041709	CSG APPEALS OF MARYLAND.
COMM 042309	CKS *****
COMM 042309	CKS COURTESY COPY OF MANDATE PLACED IN ORIGINAL FILE, RECORD
COMM 042309	CKS STILL WITH THE COURT OF SPECIAL APPEALS, KAS.
COMM 042309	CKS *****
COMM 062409	CSG ORDERED, THAT THE PETITION FOR WRIT OF CERTIORARI, IS HEREBY
COMM 062409	CSG DENIED, PER ROBERT M. BELL, CHIEF JUDGE, OF THE COURT OF
COMM 062409	CSG APPEALS OF MARYLAND.
COMM 072109	CSJ PETITION FOR POST CNVICTION RELIEF FILED PRO-SE. PETITION
COMM 072109	CSJ FORWARDED TO JUDGE BERNSTEIN BECAUSE CASE IS PENDING APPEAL.
ARTN 072109	CKS AJAC;APPEAL RETURNED-JUDGMENT AFFIRMED
COMM 072109	CKS MANDATE-COURT OF SPECIAL APPEALS NO. 989, SEPTEMBER TERM 07
COMM 072109	CKS OPINION; JUDGMENT AFFIRMED
COMM 072109	CKS MANDATE ISSUED; 4-17-09
CCAS 072109	CKS CASE CLOSED Q327

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER	PART	TIME	ROOM	REAS /	EVENT COMMENT
COMM 072209	CKS	(1)	ORIGNAL	FILE,	(2)	BINDERS, (1) ENVELOPE EXHIBITS FORWARD
COMM 072209	CKS	ED	TO	FILE	AREA.	KAS.
COMM 072809	CSJ	ORDERED	THAT	THE	PETITION	FOR POST CONVICTION RELIEF BE
COMM 072809	CSJ	STAYED	PENDING	FINAL	RESOLUTION	OF THE APPEAL. BERNSTEIN, J.
PCFD 091609	CKS	POST	CONVICTION	FILED		
COMM 091609	CKS	POST	CONVICTION	NO.	10319	
COMM 091609	CKS	DOCKET	ENTRIES	FILED.		
COMM 091709	CKS	COPY	OF	PACKET	HAND	DELIVERED TO TRAVIS.
COMM 091709	CKS	FRONT	SHEET	HAND	DELIVERED	TO JULIE.
COMM 091709	CKS	RECEIPT	FOR	CAO	COPY-SIGNED	BY JULIE
COMM 091709	CKS	RECEIPT	FOR	SAO-SIGNED	BY	TRAVIS
COMM 091809	CJP	ASSIGNED	JUDGE	GAIL	RASIN	JP.
COMM 092109	CSJ	MOTION	TO	DISMISS	POST	CONVICTION PETITION & RESPONSE
COMM 092109	CSJ	FILED	BY	STATE.		
COMM 092309	CSJ	ORIGINAL	&	POST	CONVICTION	FILE DELIVERED TO JUDGE RASIN
FILE 111809	CSM	FILED	APD	-	JONES,	JUDITH B , ESQ 343500
COMM 010410	CTL	CSET	PC	; P19;	06/01/10;	CTL PER ADD-ON FORM
COMM 031110	S8P	DEF	IN	DOC	W/ ID	#343938--ISSUE WRIT
COMM 051710	CRJ	FILED	ASA	-	BLOMQUIST,	CHARLES , ESQ 69937

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER	PART	TIME	ROOM	REAS /	EVENT COMMENT
COMM 051710	CSJ					STATE'S SUPPLEMENTAL RESPONSE IN OPPOSITION TO PETITIONER'S
COMM 051710	CSJ					AMENDED PETITION FOR POST CONVICTION RELIEF FILED &
COMM 051710	CSJ					FORWARDED TO JUDGE RASIN.
COMM 052110	CFH					PETITIONERS REQUEST FOR CONTINUANCE OF HEARING ON
COMM 052110	CFH					POST-CONVICTION FILED BY DEFENDANT ATTORNEY AND FORWARDED
COMM 052110	CFH					TO JUDGE RASIN.
COMM 052710	CFH					ORDER OF THE COURT: HAVING READ AND CONSIDERED THE FOREGOING
COMM 052710	CFH					REQUEST FOR CONTINUANCE OF HEARING ON POST-CONVICTION IT IS
COMM 052710	CFH					BY THE CIRCUIT COURT FOR THIS 25TH DAY OF MAY 2010, ORDERED,
COMM 052710	CFH					THAT THE CONTINUANCE HEREBY GRANTED PER JUDGE RASIN.
HCAL 060110	CEM	P19;	0200;	509	;PC ; ;POST;CAN;RASIN,	;8203
COMM 060110	S8T					POSTPONED, TO BE RESET BY THE COURT
COMM 082410	CSU					SUPPLEMENTAL PETITION FOR POST CONVICTION RELIEF FLD. AND
COMM 082410	CSU					FORWARDED TO JUDGE RASIN.
COMM 100610	CML	CSET	PC	; P19;	03/29/11;	CML
HCAL 032911	CBS	P19;	0200;	509	;PC ; ;OTHR;	;RASIN, GAIL ;919
COMM 032911	CBS					PETITION FOR POST CONVICTION RELIEF IS HEARD AND THE COURT
COMM 032911	CBS					WILL ISSUE A WRITTEN OPINION. RASIN, J. (FILE W/LAW CLERK)
COMM 033011	CFH					BINDER, TRANSCRIPTS AND EXHIBITS DELIVERED TO JUDGE RASIN.

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 040811	CFH MEMORANDUM PURSUANT TO PETITIONER'S HEARING ON POST
COMM 040811	CFH CONVICTION FILED BY DEFENDANT ATTORNEY AND FORWARDED
COMM 040811	CFH TO JUDGE RASIN.
PCDN 080911	CSU POST CONVICTION DENIED
CCAS 080911	CSU CASE CLOSED Q327
COMM 080911	CSU MEMORANDUM OPINION & ORDER: IT IS HEREBY ORDERED ON THIS
COMM 080911	CSU 5TH DAY OF AUGUST, 2011, THAT THE PETITION FOR POST
COMM 080911	CSU CONVICTION RELIEF IS DENIED PER JUDGE RASIN. ORIGINAL FILE,
COMM 080911	CSU AND BRICK BINDER WITH (1) ENVELOPE WITH EXHIBITS, (3)
COMM 080911	CSU SMALL POSTERBOARDS, AND (2) BINDERS WAS RET'D TO FILE ROOM.
COMM 080911	CSU PC FILE WAS RET'D TO FILE CABINET IN THE BACK OF ROOM 200W.
COMM 081011	CFH BINDERS(3) TRANSCRIPTS(11) RETURNED TO FILE ROOM.
APPL 082611	CSU APPC;APPEAL FOR POST CONVICTION
COMM 082611	CSU APPLICATION FOR LEAVE TO APPEAL THE DENIAL OF POST CON-
COMM 082611	CSU VICTION RELIEF FLD. DUE TO TRANSMIT ON 09-26-11.
COMM 082611	CSU *****ASSIGNED TO LH*****
COMM 090211	CSU ORIGINAL PAPERS FORWARDED TO COSA VIA CERTIFIED MAIL #7002-
COMM 090211	CSU 0860-0006-6076-5319. (1) BINDER, NO EXHIBITS, AND NO
COMM 090211	CSU TRANSCRIPTS.

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11:18:17 Monday, June 03, 2013

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

CCMA 012813 CSU COURTESY COPY OF COSA MANDATE ;TICKLE DATE= 20130314

COMM 012813 CSU MANDATE: COURT OF SPECIAL APPEALS NO. 1386, SEPT. TERM 2011

COMM 012813 CSU OPINION: APPLICATION FOR LEAVE TO APPEAL DENIED

COMM 012813 CSU MANDATE ISSUED: 01-22-2013

ARTN 022713 CSU PCAD;APPLICATION DENIED - POST CONVICTION

CCAS 022713 CSU CASE CLOSED Q327

COMM 022713 CSU PC FILE & BINDER WAS RET'D TO POST CONVICTION SECTION.

COMM 022713 CSU MANDATE RETURNED/RECEIVED

CON FULL NAME/PHONE NUMBER IDENT ADD/FILE STREET/CITY STATE ZIPCODE V/W

AKA 070506 2223 WHITTIER ST

BALTIMORE MD 21217

AKA BLAKE, SHAIDON EMANUEL 070506

AKA SMITH, SHAMVOY 062906

ADS ZEIT, LINDA B 918835 080206 201 SAINT PAUL PL

BALTIMORE MD 21202

APD JONES, JUDITH B 343500 111909 7500 GOV RITCHIE HWY STE 111

111809 GLENBURNIE MD 21061

410-412-7112

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

CON FULL NAME/PHONE NUMBER

IDENT ADD/FILE STREET/CITY STATE ZIPCODE V/W

APA LAYE, DENNIS

476116 080206 38 WEST 25TH STREET

410-235-6868

080106 BALTIMORE MD 21218

ASA FISH, BRIAN

257574 062906 110 N CALVERT ST

410-396-1757

062606 BALTIMORE MD 21202

ASA BLOMQUIST, CHARLES

69937 051710 120 E BALTIMORE ST #1018

443-984-6019

051710 BALTIMORE MD 21202

WIS ALI, ZABINLLAH

081706 111 PENN ST

BALTIMORE MD 21201

WIS OFFICER, BOLLING

062906 1034 N. MOUNT ST

BALTIMORE MD 21217

WIS REEDY, ED

081706 111 PENN ST

BALTIMORE MD 21201

PO MCLARNEY, TERRENCE P

C303 062906 NORTHWESTERN DISTRICT

PO PETREY, RICHARD H II

D530 062906 CENTRAL DISTRICT

PO BAKER, SCOTT S

E026 062906 DET DIV HOMICIDE SECTION

PO HEATH, ROBERT R

E417 062906 DET DIV HOMICIDE SECTION

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06/03/13 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 11:18

CASE 106177028 ST C BLAKE, SHIDON

984362 COD N DCM A 071906

* CON FULL NAME/PHONE NUMBER IDENT ADD/FILE STREET/CITY STATE ZIPCODE V/W

PO JONES, SEAN P E782 062906 DET DIV HOMICIDE SECTION

PO DOHONY, ROBERT L F004 062906 DET DIV HOMICIDE SECTION

PO FATA, ANTHONY N G106 062906 DET DIV HOMICIDE SECTION

END OF DATA

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