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APPENDIX A

E-FILED

Rachel Dombrowski, Clerk
Appellate Court of Maryland
1/31/2024 10:32 AM

Circuit Court for Cecil County
Case No. C-07-CV-20-000047

UNREPORTED

IN THE APPELLATE COURT OF MARYLAND

No. 1693
September Term, 2023

POST-CONVICTION

HUGH BALDWIN

v.

STATE OF MARYLAND

Beachley,
Albright
Meredith, Timothy E.
(Senior Judge, Specially Assigned),
JJ.

PER CURIAM

Filed: January 31, 2024

Having read and considered the application of Hugh Baldwin for leave to appeal from a denial of petition for post-conviction relief, the application is hereby denied.

**APPLICATION FOR LEAVE TO
APPEAL DENIED.**

**ANY COSTS TO BE PAID BY
APPLICANT.**

E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
3/6/2024 2:46 PM

IN THE APPELLATE COURT OF MARYLAND

Hugh Baldwin,
Applicant

v.

State of Maryland,
Respondent

No. 1693, September Term 2023
ACM-ALA-1693-2023
Circuit Court No. C-07-CV-20-000047

MANDATE

JUDGMENT: January 31, 2024: Application for
leave to appeal denied.

Any costs to be paid by applicant.
Per Curiam filed.

STATE OF MARYLAND Sct.:

I do hereby certify that the foregoing is truly taken
from the records and proceedings of the said Appellate
Court of Maryland. In testimony whereof I have
hereunto set my hand as Clerk and affixed the seal of
the Appellate Court of Maryland, this 6th day of

March, 2024.

/s/

Rachel Dombrowski, Clerk
Appellate Court of Maryland

APPENDIX B

IN THE CIRCUIT COURT FOR CECIL COUNTY

HUGH BALDWIN
Petitioner

v.

STATE OF MARYLAND
Respondent

Case No.: C-07-CV-20-047

STATEMENT AND ORDER OF COURT

The Court has received a Motion to Reopen Previously Concluded Post Conviction Proceeding filed by Hugh Hartman Baldwin, (hereinafter "Petitioner") on June 20, 2023.

Petitioner filed an Amended Petition for Writ of Error *Coram Nobis* on January 31, 2020. Petitioner requested that the Court discharge Defendant's criminal conviction or grant a new trial. On August 5, 2021, Petitioner appeared with counsel and the Court received evidence, heard testimony and listened to arguments from the parties. On August 30, 2021, the Court issued a Statement and Order of the Court, denying Petitioner's requested relief. Petitioner noted an appeal; the Appellate Court of Maryland issued an opinion affirming the decision of the Circuit Court.

Petitioner then filed this Motion to Reopen Previously Concluded Post Conviction Proceeding.

PROCEDURAL HISTORY

On July 12, 1978, an eight-count criminal information was filed against Petitioner in the Circuit Court for Talbot County, charging him with (1) unlawfully possessing a CDS (Phencyclidine) in sufficient quantity to indicate an intent to manufacture, distribute, and dispense the same; (2) manufacturing a CDS (Phencyclidine); (3) possession of machines, equipment, and implements adapted for the production of a CDS; and (4) maintaining a common nuisance at two separate locations.

Petitioner was tried on November 14, 1978. Petitioner's conviction was reversed and remanded by the Court of Special Appeals; that decision was affirmed by the Court of Appeals. *State v. Baldwin*, 289 Md. 635, 426 A.2d 916 (1981). Petitioner was tried again on July 29, 1981. This conviction was also overturned. *Baldwin v. State*, 51 Md. App. 538, 444 A.2d 1058 (1982). On November 23, 1982, Petitioner was tried again; Petitioner was convicted on three counts: maintaining a common nuisance; possessing PCP with intent to distribute, and possessing equipment adapted for the production and sale of controlled dangerous substances. On January 3, 1983, the trial court imposed consecutive five-year sentences on each of the three convictions: one year of each was suspended and Petitioner was placed on probation on all three counts upon his release from incarceration. On January 11, 1983, he appealed those convictions

and the verdict was affirmed on appeal. *Baldwin v. State*. 56 Md. App. 529, 468 A.2d 394 (1983).

**THE WRIT OF ERROR
CORAM NOBIS HEARING**

On August 5, 2021, the Honorable Judge V. Michael Whelan conducted a hearing on Petitioner's Amended Petition for Writ of Error *Coram Nobis*. Petitioner was represented by counsel and offered testimony and evidence related to his Petition. Petitioner had alleged the following errors in his Amended Petition for Writ of Error *Coram Nobis* Relief:

1. Petitioner has been unable to obtain transcripts of all his court hearings, which had deprived him of the opportunity to pursue post-conviction relief;
2. There had been an illegal wiretap for which suppression was an insufficient remedy;
3. Petitioner had been deprived the right to counsel and to conduct an independent analysis of the alleged CDS;
4. There had been violations of the Petitioner's due process right to a fair trial surrounding the analysis of the alleged CDS, because the evidence had been destroyed prior to its examination of an expert retained by Petitioner;
5. There had been insufficient evidence at trial to

connect the Petitioner with the CDS manufacturing equipment seized from the shed at MacKown's home on Route 662 in Talbot County, to support a conviction of Petitioner for maintaining a common nuisance at that location;

6. There had been insufficient evidence to connect the Petitioner with the CDS seized from the shed at MacKown's home on Route 662 in Talbot County, to support a conviction of the Petitioner for possession of the CDS seized at that location; and
7. There had been ineffective assistance of trial counsel at the Petitioner's third trial.

A Statement and Order of the Court was issued on August 30, 2021. The *Coram Nobis* Court addressed each of the alleged errors cited by Petitioner. The *Coram Nobis* Court found that Petitioner failed to demonstrate that he suffered from or faced any actual or significant collateral consequences and denied Petitioner's requested relief.

APPELLATE COURT OF MARYLAND

The Appellate Court of Maryland, in its review of the *Coram Nobis* Court's decision, noted that Petitioner presented seven questions for their review:

1. Did the State of Maryland commit a discovery violation by failing to provide to the defense exculpatory information?

2. Did the State of Maryland commit a due process violation by failing to preserve potentially useful evidence?
3. Was Trial [Counsel] ineffective, given their failure to pursue a Discovery Violation and a Due Process Violation?
4. Does a Bad Faith Due Process Violation mandate a missing evidence instruction to the jury?
5. Did [Appellant's] inability to obtain transcripts of all his court hearings deprive him of the opportunity to pursue an earlier post-conviction filing?
6. Did the *Coram nobis* filing meet the requirement of MD Rule 15-1202(b)(1)(D) demonstrating facts which would have resulted in a different outcome?
7. Did the *Coram nobis* filing satisfy the requirements to demonstrate sufficient collateral consequences?

The Appellate Court of Maryland, in an unreported opinion filed July 11, 2022, affirmed the decision of the *Coram Nobis* Court. The Appellate Court of Maryland found that Petitioner had failed to prove significant collateral consequences stemming from his convictions. The Appellate Court further found that Petitioner's failure to prove significant collateral consequences was fatal to Petitioner's

request for relief; the Appellate Court found it unnecessary to address Petitioner's first six questions. The Appellate Court of Maryland found that the circuit court properly denied relief. *Baldwin v. State*, No. 1084. September Term, 2021.

MOTION TO REOPEN

Petitioner now files this Motion to Reopen a Previously Concluded Post Conviction Proceeding, alleging the following errors of the *Coram Nobis* Court:

1. Petitioner has been unable to obtain transcripts of all court hearings, which deprived him of the earliest opportunity to pursue, post conviction relief, while incarcerated, on parole, or probation;
2. There was no Frye-Reed Hearing to determine the reliability of the evidence. The State's failure to provide discovery resulted in outstanding legal consequences to the Petitioner to wit: significant collateral consequences;
3. Violation of the Petitioner's Due Process Right to a fair trial regarding the analysis of the alleged CDS, including improper destruction of the alleged CDS after the Petitioner had been granted the right to have the alleged CDS independently analyzed. A Bad Faith Due Process Violation resulted in outstanding Legal Consequences to the Petitioner. Petitioner alleges that this is a significant collateral consequence;

4. Ineffective assistance of counsel at the Petitioner's Third Trial, including the absolute failure to cross examine the State's Chemist and to request a Missing Evidence Instruction. Trial Counsel failed to pursue a Frye-Reed Hearing Violation. Trial Counsel failed to pursue a Bad Faith Due Process Violation. These failures by Trial Counsel and Appellate Counsel resulted in outstanding legal consequences to the Petitioner, a significant collateral consequence; and
5. The failure of the *Coram nobis* Court, (V. Michael Whelan), to issue a ruling on the alleged Discovery and Bad Faith Due Process Error(s), perpetrated by States Attorney Sidney Campen, and The Maryland State Police, is simply, Judicial Error.

DISCUSSION

The Court notes that the Petitioner has filed a "Motion to Reopen a Previously Concluded Post Conviction Proceeding". The Court notes that unlike proceedings filed under the Uniform Post Conviction Procedure Act, § 7-101 et seq. of the Criminal Procedure Article, which provides that the court may reopen a post-conviction proceeding that was previously concluded if the court determines that the action is in the interests of justice, there is no similar provision found in Maryland Rule § 15-1201 et seq. dealing with *Coram Nobis* Petitions relating to the reopening of a writ of error *coram nobis*.

Rule 15-1207(d) provides that the order constitutes a final judgment when entered by the clerk. In this case, the *Coram Nobis* Court entered its Order on August 30, 2021; an appeal followed and the decision of the *Coram Nobis* judge was affirmed. The Maryland Rules do not provide for the relief requested by Petitioner. This Court finds it has no jurisdiction to reopen a Writ of Error *Coram Nobis* proceeding.

If the Court were to consider this Motion to Reopen Previously Concluded Post Conviction Proceeding as a second Petition for Writ of Error *Coram Nobis*, the Court further notes that the allegations set forth in the Petition to Reopen Writ of Error *Coram Nobis* are the same as some of the allegations made in Petitioner's Amended Petition for Writ of Error *Coram nobis*. In fact, some of the allegations are almost word for word identical.

With regard to the contention that "Petitioner has been unable to obtain transcripts of all court hearings, which deprived him of the earliest opportunity to pursue, post conviction relief, while incarcerated, on parole, or probation", the *Coram Nobis* Court specifically addressed this contention and found that Petitioner offered no testimony regarding his challenges in obtaining any documents. Then *Coram Nobis* Court held that Petitioner had available to him other methods to support allegations of error including calling witnesses, testifying, and submitting portions of the record in his possession. The *Coram Nobis* Court found that any relief related to the allegation had been waived.

With regard to the contention that "there was no Frye-Reed Hearing to determine the reliability of the evidence and that the State's failure to provide discovery resulted in outstanding legal consequences to the Petitioner to wit: significant collateral consequences", the Court found that any issues regarding the CDS should have been raised on appeal; the allegations that the State acted in bad faith should have been raised on appeal.

With regard to the contention that there was a "Violation of the Petitioner's Due Process Right to a fair trial regarding the analysis of the alleged CDS, including improper destruction of the alleged CDS after the Petitioner had been granted the right to have the alleged CDS independently analyzed. A Bad Faith Due Process Violation resulted in outstanding Legal Consequences to the Petitioner", the *Coram Nobis* Court found that the issues related to the analysis of the CDS could have and should have been raised on appeal. The Court went on to find that the evidence retention policy of the Maryland State Police was not an issue properly before the Court.

With regard to the contention that "ineffective assistance of counsel at the Petitioner's Third Trial, including the absolute failure to cross examine the State's Chemist and to request a Missing Evidence Instruction. Trial Counsel failed to pursue a Frye-Reed Hearing Violation. Trial Counsel failed to pursue a Bad Faith Due Process Violation. These failures by Trial Counsel and Appellate Counsel resulted in outstanding legal consequences to the Petitioner, a significant collateral consequence", the *Coram Nobis*

Court specifically found that at the hearing in this matter, no testimony or evidence was offered to support this allegation. The Court found that a presumption of regularity attaches to a criminal proceeding; the *Coram Nobis* Court "presume[d] that the trial court proceedings were correct and the burden rests on the challenger to show otherwise.", citing *Harris v. State*, 406 Md. 115, 122, 956 A.2d 204, 208 (2008) (quoting *United States v. Morgan*, 346 U.S. 502, 512 74 S.Ct. 247, 98 L.Ed. 248 (1954).

The Court also found that trial counsel's performance was not deficient. The Court found that "trial counsel's conduct was not deficient and Petitioner has not rebutted the presumption of regularity attached to the trial".

Petitioner now alleges that his Appellate counsel from the Maryland Public Defender Appellate Division, Mr. John L. Kopolow (deceased) and Mr. Alan H. Murrell (deceased) were on direct appeal, constitutionally ineffective for failing to pursue "(1) Trial Counsel's failure to cross examine the State's Chemist, (2) Trial Counsel's failure to request a Missing Evidence Instruction, 3) Trial Counsel's failure to pursue a Frye-Reed Hearing Violation, (4) Trial Counsel's failure to pursue a Discovery Violation, (5) Trial Counsel's failure to pursue a BAD FAITH DUE PROCESS VIOLATION". Petitioner relies on the opinion of the *Coram Nobis* judge who found that issues should have been raised on appeal as the basis for this allegation. But the *Coram Nobis* Court had determined that Petitioner had failed to establish that his appellate counsel's performance was deficient.

With regard to the contention that "the failure of the *Coram Nobis* Court, (V. Michael Whelan), to issue a ruling on the alleged Discovery and Bad Faith Due Process Error(s), perpetrated by States Attorney Sidney Campen, and The Maryland State Police", this Court finds that the *Coram Nobis* Court issued a ruling on all matters raised by Petitioner.

Finally, with regard to significant collateral consequences, the *Coram Nobis* Court found that Petitioner failed to meet his burden. The Appellate Court of Maryland found that Petitioner's failure to prove significant collateral consequences was fatal to Petitioner's request for relief and the *Coram Nobis* Court had properly denied relief.

This Court finds that the *Coram Nobis* Court thoroughly and completely considered all matters raised by Petitioner in the Motion to Reopen Previously Concluded Petition for Writ of Error *Coram Nobis*. As such, res judicata applies. Each contention has been fully litigated.

To the extent that Petitioner seeks to assert any new evidence (which this Court believes that he does not). Petitioner could have and should have raised those in his prior Petition. This Court finds that the principles of waiver apply.

"Basic principles of waiver" apply to coram nobis proceedings and "the same body of law concerning waiver and final litigation of an issue" applies to coram nobis proceedings as applies to the

UPPA., (quoting *Skok v. State*, 361 Md. 52, 79, 760 A.2d 647, 661) *Hyman v. State*, 463 Md. 656, 672, 203 A.3d 807, 816 (2019)

Finally, the "law of the case" doctrine also applies; the Appellate Court of Maryland has ruled that Petitioner has failed to prove that he suffered significant collateral consequences. Under the law of the case doctrine, "[n]either questions that were decided nor *questions that could have been raised* and decided on appeal can be relitigated." *Kline*, 93 Md.App. at 700, 614 A.2d 984 (Emphasis added). "*Holloway v. State*. 232 Md. App. 272, 284. 157 A.3d 356 (2017).

CONCLUSION

As set forth hereinabove, this Court finds that the allegations of error set forth in Petitioner's Motion to Reopen Previously Concluded Post Conviction Proceeding were previously litigated and are barred by res judicata, waiver and the law of the case.

Petitioner's requested relief is denied without a hearing.

**IN THE CIRCUIT COURT FOR
CECIL COUNTY**

HUGH BALDWIN
Petitioner

v.

STATE OF MARYLAND
Respondent

Case No.: C-07-CV-20-047

ORDER

Upon consideration of Petitioner's Motion to Reopen Previously Concluded Post Conviction Proceeding and for the reasons provided in the foregoing Statement and Order of the Court, it is this 29th of September, 2023

ORDERED that the Motion to Reopen Previously Concluded Post Conviction Proceeding is hereby DENIED.

09/29/2023 5:38:36 PM

/s/
JUDGE

Entered: Clerk Circuit Court for
Cecil County, MD
October 2, 2023

Copies exited to Hugh Baldwin and J. Coale, Esq.
10/2/2023

APPENDIX C

IN THE COURT OF APPEALS OF MARYLAND

HUGH HARTMAN BALDWIN

v.

STATE OF MARYLAND

Petition Docket No. 203
September Term, 2022

(No. 1084, Sept. Term, 2021
Court of Special Appeals)

(No. C-07-CV-20-000047, Circuit
Court for Cecil County)

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals filed in the above-captioned case, it is this 25th day of October, 2022

ORDERED, by the Court of Appeals of Maryland, that the petition is 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 D

(Circuit Court for Cecil County
Case No. C-07-CV-20-000047

UNREPORTED

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

No. 1084
September Term. 2021

HUGH HARTMAN BALDWIN

v.

STATE OF MARYLAND

Beachley.
Shaw,
Kenney, James A., III
(Senior Judge. Specially Assigned),
JJ.

Opinion by Shaw. J.
Filed: July 11, 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.

Appellant, Hugh Hartman Baldwin, appeals from an order of the Circuit Court for Cecil County denying his petition for writ of error *coram nobis*. For the reasons set forth below, we shall affirm.

BACKGROUND

In August 1978, Appellant was charged with two counts each of manufacturing phencyclidine (PCP); possession of PCP with intent to distribute; possession of equipment for the production of a controlled dangerous substance (CDS); and keeping and maintaining a common nuisance. He was convicted of all but one count of manufacturing PCP. Those convictions were overturned on appeal.¹

We have previously summarized the procedural history that followed:

Upon retrial [Appellant] was convicted on four counts and these convictions were reversed on appeal because Appellant was required to proceed without counsel. *Baldwin v. State*, 51 Md. App. 538 (1982). Appellant's third trial resulted in convictions for maintaining a common nuisance; possessing phencyclidine (PCP) with intent to distribute; and possessing equipment adapted for the production and sale of controlled

¹ *Baldwin v. State*, 45 Md. App. 378 (1980), *qff'd*, 289 Md. 635 (1981).

dangerous substances.

On January 3, 1983, the court imposed consecutive five year sentences on each of the three convictions with one year of each sentence suspended. Additionally, Appellant was fined \$15,000.00 on the charge of possessing PCP with intent to manufacture and distribute.

Baldwin v. State, 56 Md. App. 529, 532-33 (1983). The convictions resulting from the third trial were affirmed on appeal. *Id.*

In February 2021, Appellant filed a petition for writ of error *coram nobis* in which he alleged that his convictions were due to ineffective assistance of counsel and/or various trial court errors. Appellant asserted that he was entitled to either a reversal of his convictions or a new trial because he was currently facing significant collateral consequences. Specifically, Appellant alleged that because he was statutorily prohibited from possessing a firearm, he could not obtain a license to work as a duck hunting guide. Appellant also alleged that he was the subject of "contrived" investigations and unjustified surveillance by the Maryland State Police ("MSP") based on an "erroneous" belief that he had previously been convicted of manufacturing PCP.

The court held a hearing on the petition at which the following evidence was adduced. Appellant testified that, in November 2016, police "banged" on his door shortly after 5:00 a.m. to question him about

a citizen complaint of a firearm discharge. Appellant denied that he had discharged a firearm or that he was in possession of a firearm or ammunition, whereupon the officers left. Later the same day, Appellant noticed that two of the windows of his home were broken.

On August 7, 2017, Appellant filed a complaint alleging that police were responsible for the damage. Appellant also alleged that the incident report related to the investigation of the citizen's complaint falsely stated that he had been convicted of manufacturing a controlled dangerous substance.

In investigating that complaint and other complaints of police "fraud" and "incompetence" that Appellant subsequently filed, police interviewed Appellant at his home on three separate occasions. The complaints were determined to be "unfounded." In a letter dated January 12, 2018, Captain J.E. DeCourcey of the Internal Affairs Division of MSP advised Appellant:

In reference to your complaint dated October 10, 2017 ... research of records revealed the following under your name:
[] "CASE NUMBER MD008015J00004: ...
CIRCUIT FILING DATE 08/03/78" for
"CHARGE 5 [] 270286000A CDS-
UNLAWFUL MFGR," with a
"DISPOSITION GUILTY." If you dispute
the court records it is incumbent upon
you to obtain the documentation from the
courts and file the appropriate judicial
challenge.

Appellant testified that after he filed his initial complaint with MSP, he observed marked and unmarked police vehicles turning around and parking in his driveway, then leaving. In April 2020, Appellant installed a motion-activated camera to "record the police activity." Appellant said there were "profuse pictures of marked and unmarked vehicles" on the public road in front of his home.

The court admitted five photographs offered by Appellant. Four of the photographs depict a local or state police vehicle on the road. The fifth photograph depicts an unmarked, dark-colored SUV that, according to Appellant, belongs to the Sheriff of Kent County.²

Appellant testified that, in 1977, he hunted ducks and worked as a hunting guide. He said that he was no longer permitted to work as a hunting guide because he was prohibited from possessing a shotgun or ammunition. Appellant had not applied for a hunting guide license or a hunting license, however, since his convictions.³

At the conclusion of the hearing, the court took the matter under advisement. On August 30, 2021, the court issued an 18-page written order in which it

² The court sustained the State's objection to the admission of other photographs offered by Appellant.

³ Appellant also claimed that because of his convictions, he "wasn't allowed" to become a member of the bar. That claim has been abandoned on appeal.

analyzed in detail the evidence presented and the various legal arguments advanced by Appellant in support of his petition. The court denied the requested relief, finding: (1) Appellant did not prove that his trial counsel was ineffective; (2) the alternative grounds for reversal of the convictions were not constitutional, jurisdictional, or fundamental in nature, and (3) Appellant did not meet his burden of proving that he suffered any significant collateral consequences as a result of his convictions.

With respect to the element of significant collateral consequences, the court found (1) there was no evidence of malicious conduct or harassment by police and no evidence that Appellant was a target of police surveillance, and (2) there was no evidence that Appellant was disqualified from being a hunting guide or that Appellant was otherwise unemployable.

Appellant noted this timely appeal and presents seven questions for our review:

1. Did the State of Maryland commit a discovery violation by failing to provide to the defense exculpatory information?
2. Did the State of Maryland commit a due process violation by failing to preserve potentially useful evidence?
3. Was Trial [Counsel] ineffective, given their failure to pursue a Discovery Violation and a Due Process Violation?

4. Does a Bad Faith Due Process Violation mandate a missing evidence instruction to the jury?
5. Did [Appellant's] inability to obtain transcripts of all his court hearings deprive him of the opportunity to pursue an earlier post-conviction filing?
6. Did the Coram Nobis filing meet the requirement of MD Rule 15-1202(b)(1)(D) demonstrating facts which would have resulted in a different outcome?
7. Did the Coram Nobis filing satisfy the requirements to demonstrate sufficient collateral consequences?

Based on our review of the record, Appellant failed to prove significant collateral consequences stemming from his convictions. Because that failure was fatal to Appellant's request for relief, we find it unnecessary to address the first six questions.

DISCUSSION

"A petition for writ of error *coram nobis* is a common law means through which a person who has been convicted of a crime but is no longer incarcerated, on parole, or on probation can challenge the validity of the conviction based on an alleged error of fact or law." *Byrd v. State*, 471 Md. 359, 370 (2020) (emphasis added). It is an "extraordinary remedy" justified only under circumstances *compelling such action to achieve*

justice." *Griffin v. State*, 242 Md. App. 432, 438 (2019) (quoting *Hyman v. State*, 463 Md. 656, 671 (2019) (in turn quoting *State v. Smith*, 443 Md. 572, 597 (2015))) (emphasis in original).

"Because of the extraordinary nature of a *coram nobis* remedy, we review a court's decision to grant or deny such a petition for abuse of discretion." *Byrd*, 471 Md. at 370 (citations and quotation marks omitted). "In determining abuse of discretion, however, an appellate court should not disturb the *coram nobis* court's factual findings unless they are clearly erroneous, while legal determinations shall be reviewed *de novo*." *Id.* (quotation marks and citation omitted).

In order for a court to issue a writ of error *coram nobis*, the petitioner must satisfy five conditions:

[1] "the grounds for challenging the criminal conviction must be of a constitutional, jurisdictional, or fundamental character"; [2] the petitioner has ... overcome the [burden of the] "presumption of regularity" in the criminal case; [3] "the *coram nobis* petitioner must be suffering or facing significant collateral consequences from the conviction"; [4] the issue must not be waived; and [5] there may be no other "statutory or common law remedy [] then available."

Id. at 370-71 (quoting *Hyman*, 463 Md. at 672)

(additional citation omitted) (emphasis added).

The significant collateral consequences alleged by the petitioner "must be actual, not merely theoretical." *Graves v. State*, 215 Md. App. 339, 353 (2013)). Moreover, "the mere desire to be rid of the stigma of a conviction is not enough." *Griffin*, 242 Md. App. at 441 (quoting *Fleming v. United States*, 146 F.3d 88, 90 (2d Cir. 1988)) (internal quotation marks omitted). To date, Maryland appellate courts "have only explicitly acknowledged that subsequently enhanced sentences and deportation proceedings may constitute significant collateral consequences." *Griffin*, 242 Md. App. at 440 (citations in footnotes omitted).

Appellant claims that, as a result of his convictions (1) he is currently a target of harassment and "unwarranted [d]omestic [s]pying" by police, and (2) he cannot obtain a hunting guide license and therefore has "lost [an] opportunity for certain employment" as a hunting guide.

As an initial matter, it appears that Appellant's first claim is not related to the convictions at issue. Appellant attributes police presence near his home to being "falsely labeled a CDS manufacturer." This is a reference to the MSP incident report, which Appellant challenged on grounds that it contained false information regarding his criminal history. The only conviction referenced in the report is Appellant's 1978 conviction for manufacturing PCP. That conviction was previously overturned, consequently, *coram nobis* relief is unavailable. In any event, we discern no error in the court's finding that the evidence presented by

Appellant did not establish that he was under surveillance or being harassed by police. As stated by the trial court, "Petitioner has not described or substantiated any conduct that this Court would deem as malicious or harassment and does not find that Petitioner is a target of any surveillance."

Appellant next asserts that, because his convictions prohibit him from possessing a firearm, he cannot work as a hunting guide. Appellant explains that, to obtain a hunting guide license, he must have a current hunting license, which in turn requires a Certificate of Competency in Firearms and Hunter Safety, which we shall presume involves handling a firearm.⁴ Appellant conceded that he has not applied for a hunting license or a hunting guide license. Moreover, Appellant, who said that he hunted ducks and worked as a hunting guide in 1977, did not prove that he would have to comply with the certificate of competency requirement, which does not apply to a person who (1) submits a certificate of competency or a hunting license issued before July 1, 1977 or (2) submits an affidavit stating that they hunted before July 1, 1977. *See* Natural Resources Article § 10-301(a)(1)(ii).

The trial court held:

The eligibility requirements for obtaining a license should have been known to

⁴ See Code of Maryland Regulations 08.03.14.04(B)(2); Natural Resources Article ("NR") § 10-301.1(a)(1).

Petitioner despite his testimony that he found out he could not get a license because of this conviction." There was no evidence as to what the standards were in 1977 and the Court cannot make an assumption in Petitioner's favor. When asked if he ever applied to a hunting license, Petitioner answered no. There was no testimony that Petitioner is disqualified from being a hunting guide. There was no testimony that this was Petitioner's only skill and that he cannot find other employment.

On this record, we hold the court did not err in finding that Appellant failed to prove that he was unable to be a duck hunting guide due to his convictions. *See Fleming*, 146 F.3d at 91 (because petitioner failed to prove that he had "sought and been denied licensure as a securities broker that he ha[d] ever been so employed in the past, or that he could obtain such employment but for his conviction[.]") petitioner's claim that he was "disabled" from employment in the financial sector was "purely speculative" and insufficient to "justify invoking the 'extraordinary remedy'" of *coram nobis* relief.) Even if we were to examine the issue and conclude that Appellant's inability to work as a duck hunting guide is a 'significant collateral consequence' that warrants the extraordinary remedy of a writ of error *coram nobis*, Appellant's claim fails because it is "merely theoretical." *Graves*, 215 Md. App. at 353.

In sum, the court did not err in concluding that

Appellant did not meet his burden of proving that he is suffering or facing significant collateral consequences as a result of the convictions challenged in his petition. The circuit court properly denied relief.

JUDGMENT OF THE CIRCUIT COURT
FOR CECIL COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.

APPENDIX E

**E-FILED; Cecil Circuit Court
Docket: 8/30/2021 3:49 PM;
Submission: 8/30/2021 3:49 PM**

IN THE CIRCUIT COURT FOR CECIL COUNTY

**HUGH BALDWIN
Petitioner**

v.

**FOR STATE OF MARYLAND
Respondent**

Case No. C-07-CV-20-000047

STATEMENT AND ORDER OF COURT

This matter is before the Court on a Petition for Writ of Coram Nobis filed on January 31, 2020 and the State's Response filed on September 3, 2020 thereto. Hugh Hartman Baldwin ("Petitioner") requested that the Court discharge Defendant's criminal conviction, or in the alternative, grant a new trial. On August 5, 2021, Petitioner appeared with counsel, David Wright, and the State was represented by Colin Carmello. The Court received evidence and heard testimony and arguments from the parties. A ruling was held *sub curia*. This Statement pursuant to Maryland Rule 15-1207 follows.

I. BACKGROUND

A. Statement of Facts¹

In May of 1978. Petitioner became the subject of an investigation being conducted by agents of the Maryland State Police Narcotics Section and the Federal Drug Enforcement Administration. On May 19, 1978, Corporal Spicer, a member of the Maryland State Police. followed Petitioner from the Atlantic Glass Company in Easton to a farmhouse on State Route 662. Later that day, Spicer trailed Petitioner to the campus of Washington College in Kent County and from the college to the Kent Plaza Shopping Center. Agent McGeehan of the Federal Drug Enforcement Administration met Spicer at the shopping center and handed him a paper bag containing three or four plastic baggies holding a green residue. Spicer stated that he received the paper bag from McGeehan "several minutes" after he observed Petitioner in the shopping plaza.

McGeehan testified that he observed Petitioner place the bag in the shopping center trash can. Upon analysis, the green substance was determined to be parsley adulterated with phencyclidine (PCP). Trooper William O. Murphy of the Maryland State Police was involved in the surveillance on May 19. He observed Petitioner depart from the farmhouse at 10:00 A.M. and go to the Washington College campus. Petitioner

¹ The facts are adapted from Petitioner's appeal of his third trial. *See Baldwin v. State*, 56 Md. App. 529, 468 A.2d 394 (1983).

carried a large paper bag into a dormitory and reappeared several minutes later without the bag. Murphy followed Petitioner from the college campus to the shopping center. Trooper Murphy lost contact with Petitioner who left the shopping center at 11:58 A.M., but he saw McGeehan retrieve the brown bag from the trash can at the shopping center approximately fifty minutes after Petitioner had departed.

On May 22, 1978, a search and seizure warrant was executed at the farmhouse. Among the items seized from a shed were a fifty gallon can, a five-gallon bucket and two scoops, all containing PCP. Other items confiscated included cans of benzene and potassium cyanide, a bag of parsley flakes, a bottle of methanol, several measuring cups, a chemical thermometer, a triple beam balance and filter papers. J. James Rivera, an agent of the Federal Drug Enforcement Administration, testified that the ninety-three pounds of PCP powder seized is not an amount one would use for his own consumption. Testimony from a state police chemist, John J. Tobin, established that potassium cyanide is one of the compounds from which PCP is synthesized, and that the powdered product is often dissolved in benzene for spraying on parsley flakes. On May 24, 1978, search and seizure warrants were executed on a safe deposit box in the Maryland National Bank in Easton and upon the home of Petitioner's parents in Easton, including the vehicle Petitioner had been operating during the earlier surveillance. The safety deposit box contained \$11,477.00 in currency. The box was rented by Atlantic Canvas Products; Petitioner was the vice-president thereof. Items seized from the house and car included

several guns, \$5,080.00 in currency, chemical formulas, a drug index, a key to the farmhouse shed and two promissory notes payable to Petitioner. The notes were signed by one Jack Long and were in amounts of \$10,000.00 and \$50.000.00.

On July 12, 1978, an eight-count criminal information was filed against appellant in the Circuit Court for Talbot County, charging him, at each of the two locations, with (1) unlawfully possessing a CDS (Phencyclidine) in sufficient quantity to indicate an intent to manufacture, distribute and dispense the same; (2) manufacturing a CDS (Phencyclidine); (3) possession of machines, equipment and implements adapted for the production of a CDS; and (4) maintaining a common nuisance.

B. Procedural History

Petitioner was initially tried on November 14, 1978. The three-day trial resulted in a conviction that was subsequently reversed and remanded by the Court of Special Appeals whose ruling was affirmed by the Court of Appeals. *State v. Baldwin*, 289 Md. 635, 426 A.2d 916 (1981). Petitioner was tried again on July 29, 1981. This conviction was similarly overturned. *Baldwin v. State*, 51 Md. App. 538, 444 A.2d 1058 (1982). On November 23, 1982, the conclusion of the third trial, Petitioner was convicted on three counts; maintaining a common nuisance; possessing PCP with intent to distribute, and possessing equipment adapted for the production and sale of controlled dangerous substances. On January 3, 1983, the trial court imposed consecutive five-year sentences on each of the

three convictions with one year of each suspended. Petitioner was placed on probation on all three counts upon release from confinement. On January 11, 1983 he appealed those convictions and the verdict was affirmed on appeal.² *Baldwin v. State*, 56 Md. App. 529, 468 A.2d 394 (1983).

On May 21 1985, a Petition for Violation of Probation was issued, which was subsequently dismissed by the court following a hearing. On October 24, 1989, Petitioner was charged with a violation of

² The issues raised on appeal were:

- I. Was the evidence sufficient to sustain the conviction for maintaining a common nuisance at the Route 662 farmhouse?
- II. Were the promissory notes payable to appellant properly admitted into evidence?
- III. Did the court err in admitting testimony relating the quantity of PCP seized to that seized in previous investigations?
- IV. Did the court err in admitting the limited prior testimony of Agent McGeehan in view of his unavailability at trial?
- V. Was appellant properly convicted of separate offenses and sentenced to consecutive sentences?
- VI. Was appellant's sentence based on improper considerations?
- VII. Was evidence seized pursuant to the search of appellant's home, car, and bank safe deposit box properly admitted into evidence?

probationary conditions for not paying fines. The circuit court found him guilty of the violations for not paying the fines and not working or attending school regularly and revoked his probation on two counts. The Court of Appeals ultimately vacated the revocation because the Petition for Violation of Probation never included the violation of failing to work or attend school regularly and held that a failure to object to uncharged violations did not constitute waiver. *Baldwin v. State*, 324 Md. 676. 598 A.2d 475 (1991)

C. The Coram Nobis Hearing

On August 5, 2021, the date of the coram nobis hearing. Petitioner testified on his own behalf. Petitioner was a hunting guide in 1977 and would often lead duck hunting parties. Petitioner testified that a Maryland duck stamp and a Federal duck stamp are required for duck hunting. He is a graduate of St. Mary's College and was attending law school at the time of his conviction. Petitioner stated that convictions are preventing him from becoming a member of the Bar.

On November 2, 2016. Sergeant James Brazill and Sergeant David Feltman of the Maryland State Police knocked at Petitioner's residence at 5 a.m. The two officers asked Petitioner about a gun being discharged in the neighborhood. Amongst the series of questions were whether Petitioner owned any firearms, if he owned any ammunition, and if he had anything related to firearms in his home. Petitioner answered each question in the negative. The officers

thanked him and left after the inquiry. At 7:30 a.m., Petitioner's dog woke him up and he was about to take the canine out for a walk when he discovered that several windows in his home were broken that were not broken when he retired to bed the previous evening. Petitioner filed a complaint with the State's Attorney's Office for Kent County under the assumption that the officers were responsible for the broken windows. There has been no action from the State's Attorney's Office as far as Petitioner was aware regarding the accident.

Petitioner testified that he had another incident with law enforcement. On August 2, 2017, Lieutenant Jeffrey Jones of the Maryland State Police investigated Petitioner pursuant to a February 14, 2017 incident report for the possession of a rifle or shotgun with a felony conviction. With the backdrop of the incident report, Petitioner argued that this investigation was pretextual; the police were investigating Petitioner as if he had been convicted of being guilty of manufacturing PCP. The incident report merely provides that "BALDWIN was found guilty of CDS Manufacturing in the Circuit Court in and for Cecil County." Petitioner testified that there was a third incident that occurred on September 25, 2017, where police officers again came to interview him under the impression that he was "erroneously" found guilty of manufacturing PCP. During the course of these interactions, Petitioner continued to pursue the complaint against the Maryland State Police for the alleged broken windows.

Petitioner has lived at his present address for

thirty years, which he described as a dead-end road in a quiet residential area. Petitioner is the only house on the right of Mallard Road, a public road. He observed marked and unmarked police cars where they would stop and turnaround on his driveway. Petitioner indicated that this activity started shortly after August 2, 2017. Starting April 1, 2020. Petitioner set up cameras in his driveway which recorded marked and unmarked vehicles along the road. Photos of vehicles that Petitioner thinks were police vehicles were admitted.

Petitioner testified that he has studied chemistry for the last forty years. Petitioner maintained the same defense throughout all three trials that the materials seized at the time of trial were not illegal. Petitioner instructed trial counsel to seek "documents that ensured that the alleged CDS was properly analyzed" during discovery and trial counsel failed to obtain such evidence.

As to collateral consequences of his conviction, Petitioner testified that he just learned that a convicted felon could not purchase or have in his possession a firearm. Petitioner cannot guide hunting parties because he cannot be in possession of a shotgun or ammunition. When asked whether someone else could "take care of the cripples," Petitioner responded in the affirmative. Petitioner has not applied for a hunting license. Petitioner applied for a guide license in 1977 but has not done so since his conviction. Petitioner was turned down by an outfitter because the outfitter did not want to work with someone with a conviction. Petitioner was not aware of

any police activities prior to August 2, 2017 and did not talk to his neighbors about it until after that date.

II. ALLEGATIONS OF ERROR

Petitioner raises the following allegations of error in his Petition:

1. Petitioner has been unable to obtain transcripts of all his court hearings, which deprived him of the opportunity to pursue post-conviction relief;
2. The illegal wiretap, which demonstrates the nature of the illegal manner in which the Petitioner was treated from the outset, the negative legal consequences of which upon the Petitioner were not fully remediated by simply suppressing the evidence from that wiretap;
3. Deprivation of the Petitioner's right to counsel, which among other specific negative consequences, deprived the Petitioner of his right to conduct an independent analysis of the alleged CDS;
4. Wide sweeping violations of the Petitioner's due process right to a fair trial surrounding the analysis of the alleged CDS, including improper destruction of the alleged CDS after the Petitioner had been granted the right to have the alleged CDS independently analyzed, but before the Defendant could exercise that right;
5. Insufficient evidence to connect the Petitioner

with the CDS manufacturing equipment seized from the shed at MacKown's home on Route 662 in Talbot County, to support a conviction of Petitioner for maintaining a common nuisance at that location;

6. Insufficient evidence to connect the Petitioner with the CDS seized from the shed at MacKown's home on Route 662 in Talbot County, to support a conviction of the Petitioner for possession of the CDS seized at that location; and
7. Ineffective assistance of counsel at the Petitioner's Third Trial, including an absolute failure to cross-examine the Chemist and request a missing evidence instruction to the jury.

III. DISCUSSION

Coram nobis is a statutory remedy that offers a vehicle for persons convicted to challenge the propriety of their criminal convictions. *See Skok v. State*, 361 Md. 52, 78, 760 A.2d 647, 661 (2000). In order to successfully petition a court for coram nobis relief, a petitioner must satisfy five requirements: (1) the grounds for challenging the criminal conviction must be of a constitutional, jurisdictional or fundamental character; (2) the petitioner must rebut the presumption of regularity attached to the criminal case; (3) the petitioner must demonstrate that he or she is suffering or facing significant collateral consequences from the conviction; (4) the petitioner

must show that their allegations are not waived; and (5) there must be no other common law remedy available to the Petitioner. *See, e.g., Skok*, 361 Md. at 78-80; 760 A.2d at 661-62 (citations and quotations omitted) (setting out the requirements necessary to prevail on a petition for *coram nobis* relief). A *coram nobis* proceeding applies the same standards and body of law as post-conviction proceedings with respect to waiver and issues that have been finally litigated in a prior proceeding. *Id.*, at 79, 760 A.2d at 661-62.

At the outset, Petitioner has asked the Court to consider the entire breadth of Defendant's treatment by the criminal justice system. This Court must decline the invitation and determines that the only conviction before it is the one resulting from the third trial.

A. Grounds for Challenging the Criminal Conviction

Allegation 1: Petitioner has been unable to obtain transcripts of all his court hearings, which deprived him of the opportunity to pursue post-conviction relief

Petitioner describes what he calls a crusade to obtain a copy of the complete record. Despite a supposed combination of twenty attempts to obtain transcripts of his third trial, Petitioner and his father's efforts proved futile. The Petition simply alleges that "having suffered recent significant collateral consequences, ..., the [Petitioner] has made further efforts to obtain copies of transcripts and documents."

Petitioner has not attached a transcript with his Petition and has not filed it has an exhibit. Furthermore, at the hearing, there was no testimony regarding his challenges in obtaining any documents.

It was not until 1995 that the "General Assembly amended the post-conviction statute to create a 10-year limitation period for post convictions petitions." *Lopez v. State*, 433 Md. 652, 654, 72 A.3d 579, 580 (2013); *see* Md. Code Ann., Crim. Proc. § 7-103(b). The Court received no testimony and cannot fathom how this would've limited Petitioner's ability to *file* a petition for post-conviction relief. The existing 10-year limitation for filing a petition would not have applied retroactively to Petitioner. *See Lopez*, 433 Md. at 661, 72 A.3d at 584 ("When the General Assembly intends a statute to have a retrospective application, it generally makes that intention explicit."). Furthermore, allegations of error for a petition for post-conviction relief could have been freely amended when Petitioner would have ultimately received a copy of the transcript. Md. Rule 4-402(c). Lastly, there is no rigid requirement that a transcript be filed in post-conviction cases. *See* Md. Rule 4-400 *et seq.*; Md. Code Ann., Crim. Proc. § 7-100 *et seq.* Petitioner had available to him other methods to support allegations of error including: calling witnesses, testifying, and submitting portions of the record in his possession. Therefore, relief as to Allegation 1 has been waived and must be denied.

Allegation 2: The illegal wiretap, which demonstrates the nature of the illegal manner in which the Petitioner was treated from the

outset, the negative legal consequences of which upon the Defendant were not fully remediated by simply suppressing the evidence from that wiretap

Petitioner's second allegation attacks the propriety of a warrant. Petitioner has provided nothing for the Court to consider whether by exhibit, evidence, or testimony. The Court cannot determine whether the wiretap was even relied on at the third trial. the only one at issue. It can only surmise from the Petition that the argument being made is that the Maryland Wiretap Statute provides a rigorous standard for consideration before a warrant is issued. This allegation was thoroughly addressed and resolved by the Court of Appeals following the first trial and was again raised on appeal of the third trial. *State v. Baldwin*. 289 Md. 635, 426 A.2d 916 (1981); *Baldwin v. State*, 56 Md. App. 529, 541, 468 A.2d 394, 400 (1983) ("In *Baldwin I* we held that evidence seized from Atlantic Glass Company was improperly admitted because the seizure was based upon illegal wiretaps. We added, however, that the affidavits for the search of the Route 662 property contained facts independently of the wiretaps to support a finding of probable cause:"). Therefore, this Court finds that Petitioner's second allegation has been fully litigated. and relief must be denied.

Allegation 3: Deprivation of the Petitioner's right to counsel, which among other specific negative consequences, deprived the Defendant of his right to conduct an independent analysis of the alleged CDS

The Petition specifies that Allegation 3 pertains to the second trial. At the initial appearance leading up to the second trial, trial court improperly denied Petitioner's right to counsel. This allegation was considered and resolved by the Court of Special Appeals, and was the basis for the appellate court's decision to reverse Petitioner's conviction. *Baldwin v. State*, 51 Md. App. 538, 444 A.2d 1058. This Court need not consider this allegation as it has been fully litigated and there are "no intervening changes in the applicable law or controlling case law." *Skok*, 361 Md. at 79, 760 A.2d at 661. In addition, issues from the first two trials are not at issue for the purposes of *coram nobis*. Therefore, relief must be denied as it pertains to Allegation 3.

Allegation 4: Wide sweeping violations of the Defendant's due process right to a fair trial surrounding the analysis of the alleged CDS, including improper destruction of the alleged CDS after the Defendant had been granted the right to have the alleged CDS independently analyzed, but before the Defendant could exercise that right

Petitioner divides Allegation 4 into eight subparts, but only addresses seven of them in this portion of the Petition. All eight subparts pertain to the CDS that were seized prior to the first trial and preserved up until the conclusion of the second trial. Specifically:

1. Denial of Petitioner's right to cross examine the State's Expert Chemist,

Kathleen Spicer

2. Failure to provide discovery
3. The malfeasance of the Chemist in analyzing the alleged CDS;
4. The denial of Petitioner's right to test independently the alleged CDS;
5. Denial of Petitioner's right to an evidentiary hearing prior to the destruction of the alleged CDS;
6. Insufficient basis to destroy the alleged CDS
7. Destruction of the alleged CDS in violation of establish procedure
8. Admission of testimony in lieu of the CDS

Petitioner points to no authority to support any of his arguments in any subparts. and are addressed in a different order than presented. The Court can summarily dispose of these issues for the following reasons: only the third trial is before the Court; the issues regarding the CDS could have and should have been raised on appeal; and the evidence retention policy of the Maryland State Police is not before the Court. Furthermore, Petitioner's suggestion that this Court has some involvement with Maryland State Police operate would be contrary to the Separation of

Powers. Petitioner has not provided any evidence to rebut the presumption of regularity attached to the trial. The Court must then conclude that the evidence admitted was properly before the jury. The only issue remaining is whether trial counsel provided ineffective assistance and is addressed *infra* Allegation 7.

Allegation 5: Insufficient evidence to connect the Defendant with the CDS manufacturing equipment seized from the shed at MacKown's home on Route 662 in Talbot County, to support a conviction of Petitioner for maintaining a common nuisance at that location

The only mention of the "662 property" with respect to Allegation 5 is in the summary of the allegations of error. Under the heading for Allegation 5, Petitioner references a "602 property" five times in a six-line argument. Without the transcript, this Court cannot make a determination that the evidence was insufficient to make the connection to sustain the conviction. Furthermore the Court cannot unravel the points the Petitioner is trying to argue. Petitioner has not explained why this was not raised on appeal or in a post-conviction proceeding. The Court of Special Appeals has already found that the evidence was sufficient to sustain a conviction for maintaining a common nuisance as to the 662 property. *Baldwin v. State*, 56 Md. App. at 536, 468 A.2d at 397. The Court finds that the issue has been fully litigated. Therefore, the Court must deny relief as to Allegation 5.

Allegation 6: Insufficient evidence to connect the Defendant with the CDS seized from the shed

at MacKown's home on Route 662 in Talbot County, to support a conviction of the Defendant for possession of the CDS seized at that location

Petitioner has not provided any explanation why this Allegation also has not been waived. This could have and should have been raised on appeal. In addition, this argument falls flat. As the Court of Special Appeals discussed in its opinion, there was probative and relevant testimony from Agent Rivera, Corporal Rineker, and Mr. Tobin before a jury to establish possession of drugs in sufficient quantity to denote an intent to distribute to others. *Baldwin v. State*, 56 Md. App. at 537-38, 468 A.2d at 398. Therefore, the Court must deny relief as to Allegation 6.

Allegation 7: Ineffective assistance of counsel at the Petitioner's Third Trial, including an absolute failure to cross-examine the Chemist and request a missing evidence instruction to the jury.

The Sixth Amendment provides the right to effective assistance of counsel and is the standard for judging any claim based on ineffective assistance of counsel. U.S. Const. Amend. VI. The standard of review for a claim based on ineffective assistance of counsel was established by the Supreme Court in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984). In *Strickland*, the Supreme Court stated that the "benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper function of the adversarial

process that the trial cannot be relied on as having produced a just result." *Id.* at 686, 104 S.Ct. at 2064. To prevail on a claim for ineffective assistance of counsel. Petitioner must show (1) that trial counsel's performance was deficient; and (2) that the deficient performance was prejudicial to the defense. *Id.* at 687, 104 S.Ct. at 2064. This two-prong test, was adopted by the Maryland Court of Appeals in *Harris v. State*, 303 Md. 685, 496 A.2d 1074 (1985).

The petitioner must first show that trial counsel's performance was deficient and fell below the standard of care of a reasonable attorney as measured by the prevailing professional norms. *Strickland*, 466 U.S. at 688, 104 S.Ct. at 2064-65. Furthermore, in order for trial counsel's performance to be deemed deficient the petitioner bears the burden of showing that trial counsel's conduct fell "outside the wide range of professionally competent assistance." *Strickland*, 466 U.S. at 690, 104 S.Ct. at 2066; *Oken v. State* 343 Md. 256, 283, 681 A.2d 30, 43 (1996). However. professional errors made by trial counsel can only be considered deficient if such errors are capable of having an effect on the judgment. *Strickland*. 466 U.S. at 691. 104 S.Ct. at 2060.

The second prong requires the petitioner to show that trial counsel's deficient performance was prejudicial to the defense. *Id.* Prejudice occurs when counsel's act or omission was so serious that counsel was not functioning as counsel guaranteed by the Sixth Amendment. *Id.* at 704, 104 S.Ct. at 2072 (Brennan, J.. concurring). Specifically, prejudice takes place when, but for the counsel's errors, the outcome of

the case would have been different. *Id.* at 694, 104 S.Ct. at 2068. Thus, the errors must be deemed to have in fact had an effect on the judgment and deprived the petitioner of a fair trial. *Id.* at 687, 104 S.Ct. at 2064.

Despite belaboring his efforts, Petitioner has not filed a transcript for the Court's review; Petitioner's references to pages of transcript are hollow. There was no testimony at the hearing as to this allegation. As discussed above, a presumption of regularity attaches to a criminal proceeding, which means that the Court "presumes that the trial court proceedings were correct and the burden rests on the challenger to show otherwise." *Harris v. State*, 406 Md. 115, 122, 956 A.2d 204, 208 (2008) (quoting *United States v. Morgan*, 346 U.S. 502, 512 74 S.Ct. 247, 98 L.Ed. 248 (1954)). In fact the Court cannot find the name of Petitioner's trial counsel anywhere in the Petition except for an excerpt of a "Mr. Jones." The Docket Entry from Petitioner's criminal case suggests that his trial counsel might have been Robert V. Jones. Consequently, it must then be presumed that trial counsel did not provide ineffective assistance of counsel. The allegations that the State acted in bad faith should have been raised on appeal as discussed in Allegation 4.

Assuming that trial counsel did not request a missing evidence instruction, trial counsel's omission was not deficient. Petitioner relies on *Cost v. State*, for his assertion that trial counsel was deficient. 417 Md. 360, 10 A.3d 184 (2010). There, the Court of Appeals found the trial court abused its discretion by not giving a missing evidence instruction where "(1) the instruction is a correct statement of law; (2) the

instruction is applicable to the facts of the case; and (3) the content of the instruction was not fairly covered elsewhere in instructions actually given." *Id.* at 369, 10 A.3d at 189 (quoting *Dickey v. State*, 404 Md. 187, 197-98, 946 A.2d 444, 450 (2008)). This reliance is misplaced. *Cost* laid out the standard for the trial court when the missing evidence is *requested*. As noted in the Petition, trial counsel did not make a request. This Court finds that trial counsel's conduct was not deficient and Petitioner has not rebutted the presumption of regularity attached to the trial. *See State v. Matthews*, 58 Md. App 243, 472 A.2d 1044 (1984) (failing to request an alibi witness jury instruction was not ineffective assistance of counsel when counsel pursued a legitimate and reasonable defense). Petitioner has not directed this Court to any cases discussing missing evidence jury instructions as a deficiency and it could have very well been part of trial counsel's strategy. Therefore, relief as to Allegation 7 must be denied.

B. Significant Collateral Consequences

The Court does not grant relief based on *any* collateral consequences. The only information the Court is required to consider would be any consequences he suffers as a result of a conviction. As the Court of Special Appeals has explained:

[I]n order to be entitled to coram nobis relief, the petitioner must prove that he or she is suffering or facing significant collateral consequences from the conviction from which he seeks relief.

The collateral consequences must be actual, not merely theoretical.

Graves v. State, 215 Md. App. 339, 353, 81 A.3d 516, 524 (2013) (internal quotations and citations omitted). The appellate courts have only recognized that subsequent enhanced sentences and deportation proceedings may constitute significant collateral consequences. *Griffin v. State*, 242 Md. App. 432, 440, 215 A.3d 424, 429, *cert. denied*, 466 Md. 522, 221 A.3d 993 (2019).

1. Bar Admissions

Petitioner asserts that he was attending law school and his conviction prevents him from being a member of the bar. Petitioner bears the burden of satisfying the requirement of demonstrating an actual and significant consequence yet proffered no evidence that he ever applied to any state bar.

2. Enhanced Police Surveillance

Petitioner suggests that because of his conviction, Maryland State Police has increased their surveillance of him. At the *coram nobis* hearing, Petitioner testified he noticed intensified frequency of police officers in his neighborhood, especially on his road. On November 2, 2016, the morning of a supposed gun discharge incident, Petitioner's windows were broken, which lead Petitioner to lodge a complaint to the Maryland State Police, accusing Sergeant James Brazill and Sergeant David Feltman of wrongdoing. Petitioner's paranoia is a creature of his own creation.

The visits from Maryland State Police to Petitioner's property can be attributed to their following up of his complaint. Petitioner then noticed an uptick in officers in his neighborhood, notably starting on August 2, 2017, the day Lieutenant Jeffrey Jones visited him to speak with about his complaint. Petitioner then filed additional complaints against Lieutenant Jones, which resulted in another visit from another officer. From the first to last incident, Petitioner only recounted five incidents involving police over four years.

Assuming, *arguendo*, that this is a collateral consequence of Petitioner's conviction, Petitioner has not articulated how this is *significant*. Under Petitioner's theory, Maryland State Police plotted for over twenty years after Petitioner's conviction to execute a scheme that boiled down to talking with him. Petitioner has not described or substantiated any conduct that this Court would deem as malicious or harassment and does not find that Petitioner is a target of any surveillance.

3. Hunting Guide License/Possession of Firearm

Petitioner's collateral consequence argument hinges on his own definition of substantial as opposed to an objective one. Not being able to buy or possess a firearm could be impactful but hardly rises to the level of substantial consequence. He was convicted and the conviction was sustained on appeal. Petitioner tied his ability to possess a shotgun with his ability to be a duck hunting guide, but that relationship is out-of-place.

Under the relevant regulations, a person that wishes to be a duck hunting guide needs to possess a waterfowl hunting guide license. Md. Code Regs. 08.03.14.02. One of the qualifications is the possession of a Maryland hunting license. Md. Code Regs. 08.03.14.04-.05; Md. Code Ann., Nat. Res. § 10-301. Petitioner testified that the last time he applied for a waterfowl hunting guide license was in 1977. The eligibility requirements for obtaining a license should have been known to Petitioner despite his testimony that he "found out he could not get a license because of his conviction." There was no evidence as to what the standards were in 1977 and the Court cannot make any assumptions in Petitioner's favor. When asked if he ever applied to a hunting license, Petitioner answered no. There was no testimony that Petitioner is disqualified from being a hunting guide. There was no testimony that this was Petitioner's only skill and that he cannot find other employment. Therefore, the Court finds that Petitioner has not demonstrated that he suffers or faces any actual or significant collateral consequences. In the absence of any transcripts it is impossible for the Court to find by a preponderance of the evidence that the trial counsel or appellate counsel were deficient in their respective duties to Petitioner. If for any reason Petitioner disagrees with this conclusion and feels that his counsel were deficient he has not proved any significant collateral consequences

IV. CONCLUSION

In sum, this Court finds Petitioner's allegations are not constitutional, jurisdictional, or fundamental in nature. Petitioner did not prove in the coram nobis

proceedings that his trial counsel's or his appellate counsel's performance were deficient. It further finds that Petitioner has not met his burden in proving he suffered any significant collateral consequences.

Petitioner testified that he just learned that a convicted felon could not purchase or have in his possession a firearm. It is now and has been for many years the law that a felon convicted could not possess a firearm is incredible

**IN THE CIRCUIT COURT FOR
CECIL COUNTY**

HUGH BALDW1N
Petitioner

v.

STATE OF MARYLAND
Respondent

Case No. C-07-CV-20-000047

ORDER

Upon consideration of Petitioner's Petition for Writ of Coram Nobis, the arguments heard and evidence received on August 5, 2021, and for the reasons provided in the Statement, it is this 27 day of August, 2021, hereby

ORDERED that the Petition for Writ of Error Coram Nobis be **DENIED**.

08/27/2021 9:14:44 AM

/s/
V. Michael Whelan, Senior Judge
Circuit Court for Cecil County

Entered: Clerk, Circuit Court for
Cecil County, MD
August 30, 2021

Exit to David Wright, Colin Carmello
8/30/2021

APPENDIX F

IN THE SUPREME COURT OF MARYLAND

HUGH HARTMAN BALDWIN

v.

STATE OF MARYLAND

Petition No. 371
September Term, 2023

(ALA No. 1693, Sept. Term, 2023
Appellate Court of Maryland)

(Cir. Ct. No. C-07-CV-20-000047)

ORDER

Upon consideration of the petition for a writ of certiorari to the Appellate Court of Maryland, it is this 19th day of April 2024, by the Supreme Court of Maryland,

ORDERED that, pursuant to § 12-202 of the Courts and Judicial Proceedings Article, the petition for writ of certiorari is dismissed for lack of jurisdiction.

/s/ Matthew J. Fader
Chief Justice

APPENDIX G

**IN THE CIRCUIT COURT FOR
CECIL COUNTY
Criminal No. 460B**

STATE OF MARYLAND

Vs.

**HUGH HARTMAN BALDWIN
Defendant**

JURY TRIAL

November 23, 1982

Before

THE HONORABLE J. OWEN WISE

Appearances:

**SIDNEY CAMPEN, ESQUIRE
State's Attorney for Talbot County**

**ROBERT V. JONES, ESQUIRE
Office of the Public Defender
For the Defendant**

*** * ***

ladies and gentlemen.

(Court recessed at 11:25 A.M. and resumed at 11:37 A.M., in open Court, out of the presence of the Jury, as follows:)

MR. CAMPEN: Now, Your Honor - -

THE COURT: Well, for the record, let's show we have not brought the Jury in yet and there's no witness on the stand and you have a procedural matter, Mr. Campen?

MR. CAMPEN: Yes, Your Honor. In the earlier trials of this case the evidence, the large volume of evidence, consisting of trash cans and bottles and beakers and containers and flasks were brought into this Courtroom, much to the displeasure of everyone around because it had a very volatile odor about it, causing most of us, I think, a headache by the time the day was over.

The Clerk is nodding his attest to that. For that reason, and because the Clerk did not have the available means to store all of these chemicals and evidentiary items, they were never formally introduced. They were simply brought into the Courtroom so that the Jury could see them but never introduced.

Instead of that, we introduced the list of what were obtained. And, of course, the testimony of the officers who catalogued and typed everything.

Because these chemicals over the years now have caused a problem with the Maryland State Police in retaining and storing them, specifically one item was a container of potassium cyanide, which was beginning to eat the metal container, in which it was contained, up. That had to be destroyed. It had to be burned professionally.

And there came a time that we determined that all of these articles, especially the illegal phencyclidine, large quantity of it, had to be destroyed because the police had no way to continue to hold it, and we took photographs of each and every item.

And I propose today that, instead of introducing the chemicals and the raw phencyclidine itself, to introduce, with the police officers' testimony as to what they seized and their identification of the photographs, the photographs of what was seized.

That would be State's Exhibits No. 5 proposed, with the list, the Maryland State Police property record of these articles that were seized.

THE COURT: Mr. Jones, you understand what he's moving, as a general proposition?

MR. JONES: I do, Your Honor, and we do wish to establish that, as we object to the evidence, that will be one of my points, that the original evidence is not here. It is the best evidence, and there has not been any reason, justifiable reason, to destroy it.

The posture of this case, every since the arrest

in May of 1978, has either been pending trial or pending appeal. There has never been a gap whereby the matter was finally resolved.

And, therefore, the prosecution was under the knowledge that there could be a retrial and the evidence would be needed again, since this matter has always been pending before the appellate courts or the Circuit Court.

And I submit that, therefore, by destroying the evidence, we cannot come back now and merely introduce photographs, when the original evidence is what we are entitled to have presented against us, to examine and also for the Jury to examine and determine its weight, however they evaluate it.

One other point, I direct the Court's attention to the transcript of July 29, 1982, before Judge Mackey, which is the second trial of this case, Page 89. There is discussion by Campen:

"The contents of the trash can, I believe, may be emanating, the odor you smell must be emanating from the trash can. I will have the police remove it.

"THE COURT: I don't smell anything. Are you going to establish these things by the chemist?

"MR. CAMPEN: I have Mr. Tobin here ready and waiting.

"THE COURT: All right. Is anybody bothered by any odors?"

And that's the conclusion of the discussion at the Bench.

So, I submit apparently, at least, in the second trial, the Judge, at least, was not that badly bothered by it.

MR. CAMPEN: Let me say, Your Honor, for the record, the Court will note that there was a motion on behalf of Mr. Baldwin's earlier counsel to inspect all these chemicals. That motion was granted. Mr. Sothoron had an opportunity to go through each and every item and, indeed, an opportunity to have his own chemist prepare his own analysis.

So, he's had an opportunity to stick his fingers in the drugs, if that's a way of putting it, and feel it and touch it. And I submit that the photographs are, in fact, the best evidence at this point in time, certainly the most manageable evidence.

THE COURT: Well, I don't have much difficulty in granting your motion, or in recognizing the continuing objection of the Defendant, throughout the trial, to the failure of the State to produce the actual evidence.

However, since it was available to the Defendant for discovery purposes and was, in fact, available to the senses of the Jury in at least one, if not both, of the previous trials, and since I don't

understand, so far, the Defendant's defense to be that the substance isn't what it is charged, and the opening statement of counsel in this case almost infers that that is not the issue, that it's not that material to the case.

And I will permit the State to offer a combination of the officers', seizing agents' testimony and photographs. But the Defendant and his attorney will be permitted, on these occasions, if there is any question to the authenticity of the photograph, and that it does, in fact, represent the exhibits which were seized in an unaltered condition from the time of this seizure and the time of the alleged crimes, counsel have a right to object and cross examine, either in the presence of the Jury or out of the presence of the Jury, on that issue of authenticity and accuracy of representation of the photographs.

Any reason not to bring the Jury back, counsel?

MR. CAMPEN: No, Your Honor.

MR. JONES: We are ready, sir.

(The Jury returns to the Courtroom at 11:44 A.M.)

THE COURT: Call your first witness, Mr. Campen.

MR. CAMPEN: Call Corporal Spicer.

CORPORAL GEORGE B. SPICER, a witness of

lawful age, produced on behalf of

* * *

stated in Chambers. They were taken because the evidence was getting to a point it was difficult to manage.

THE COURT: I remember you had said that. I thought, as a matter of procedure, take the pictures. Okay, I understand.

Want me to let the Jury go?

MR. JONES: And resolve it now?

THE COURT: Ladies and gentlemen, you can have fifteen minutes, if you will.

(The Jury left the Courtroom at 3:09 P.M.)

(Conclusion of discussion at the Bench.)

THE COURT: Mr. Campen, why don't you just again proffer for the record what these pictures are, why you are attempting to use them instead of evidence, and so forth?

MR. CAMPEN: Yes, Your Honor. The photographs offered as State's Exhibits 5-B, 1 through 28, are the photographs of the evidence that was obtained as a result of the search and seizure warrant on the Route 662 farm residence.

They show the evidence as it existed just after

the last trial of this case. At that time the evidence had reached a point that it was extremely difficult to manage. The potassium cyanide, for instance, had eroded its container and certain articles had to be destroyed for public safety purposes. It was determined by Maryland State Police that it would be best to go ahead and destroy all of these clandestine objects.

Certainly, the phencyclidine, I proffer to the Court, that was shown in subsequent analysis and photographs taken, that the photographs would serve as a proper evidentiary foundation for the admission of these articles.

The Court will note that these articles were never at any previous trial introduced because the Clerk's Office for Cecil County did not want to have to maintain, responsibility of maintaining such highly volatile material, so to speak, in their evidence locker. So we never formally introduced them, simply brought them in the room so the Jury could see them. I submit that's essentially what the Jury will have here, photographs showing exactly what they would have seen in the Courtroom.

I don't have the exact date that the photographs were taken. Trooper Rineker, who was responsible for the destruction of the evidence, took the photographs prior to his destruction.

THE COURT: Well, in any event, for purposes of bracketing it, the pictures would have to have been taken after the last trial and more than last week. So,

a year or so ago?

MR. CAMPEN: I would say a year ago, Your Honor, somewhere at the latter part of 1981.

MR. JONES: Find out. Make a proffer. The date's not an issue.

MR. CAMPEN: Trooper Rineker advises these photographs were taken the following day of the last trial, which I believe was in July of 1981.

MR. JONES: 29 July, '81.

MR. CAMPEN: So, July 30th, 1981, Your Honor.

THE COURT: Mr. Jones, what do you have to say on this matter?

MR. JONES: I had indicated to the Court earlier that I had understood this problem existed with reference to the original items seized. I indicated to the Court and I now make my objections to photographs and other secondary evidence based upon the fact that these are not the best evidence. In a case of this nature, the best evidence would be the items, themselves, that ever since the seizure in May of 1978, this case has either been pending at trial or pending appellate review of the trial. And, therefore, there has never been a time when the case has been in any final posture. Therefore, the evidence should have been maintained. We are entitled today to have the best evidence presented against us and my position, therefore, is I object to photographs because they are

not the evidence, itself.

THE COURT: I will permit the photographs to be introduced for substantive purposes, as an illustration of what is in there, the same as I noticed at prior trial. Page 121 of the transcript, the trial on July 29th, 1981, where Trooper Murphy was on the witness stand, the item shown in those pictures were simply brought into the Courtroom and identified in species by Trooper Murphy as having been those which he recovered in the execution of this search warrant on May, the 22nd.

We are only one step removed. In this case we have the pictures instead of the items for him to identify.

I think, gentlemen, and when I come back from recess in a few minutes, that maybe we ought to avoid confusion, just simply tell the Jury the evidence has been destroyed. These are pictures of it. That's all there is, so they don't waste time worrying about where it is or why this, that, of the other thing. There isn't anything we can do about it. It just is not here. If you could show me it would be confusing, prejudicial, or cause them to start speculating about things, it seems to me the simplest way to handle the whole problem.

Secondly, Mr. Campen, I realize, number one, that Trooper Murphy's statement about the prior trial was innocent and what we would class as a blurt-out. I commend both of you for your professional manner and not reacting to it so the Jury didn't attach any

undue significance of any kind for it. If a motion for mistrial were to be made on the basis of that blurt, I would deny it now.

There is no reason, though, why the police

* * *

APPENDIX H

* * *

duly sworn according to law, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. CAMPEN:

Q. Mrs. Spicer, for the record would you please state your name and the nature of your current employment?

A. My name is Kathleen J. Spicer. I work as a chemist at the Shock Trauma Unit at the University of Maryland Hospital.

Q. Prior to your being a chemist with the Shock Trauma Unit at the University of Maryland, where were you employed?

A. I was employed as a forensic chemist at the Maryland State Police Crime Lab for six years.

MR. CAMPEN: I have Mrs. Spicer's curriculum vitae. We can go through it. I believe we can stipulate she is an expert in the field of forensic chemistry. She was a laboratory analyst for the Maryland State Police at the time certain records were submitted.

MR. JONES: I will not object to that proffer.

THE COURT: All right. Let me make sure You've testified as an expert witness in controlled dangerous substance cases in Maryland courts before, haven't you?

THE WITNESS: Yes, Your Honor, I have.

THE COURT: Practically most the counties in the State?

THE WITNESS: Approximately fourteen different district courts and sixteen different circuit courts.

THE COURT: That was in relation to cases involving controlled dangerous substances law and narcotics?

THE WITNESS: Yes, Your Honor, it was.

THE COURT: How about with respect to PCP? Have you ever testified as to that?

THE WITNESS: Yes, Your Honor, I have.

THE COURT: She's qualified as an expert in those fields, and you may proceed accordingly.

BY MR. CAMPEN:

Q. Mrs. Spicer, if I may, I'd like to turn your attention back to a period of time on or about May 24, 1978. Did there come a time that Trooper William O. Murphy of the Maryland State Police Narcotics

Division submitted to you for analysis certain articles?

A. Yes, there did come that time.

Q. Do you recall what articles were submitted to you?

A. Not offhand, no.

Q. I'm going to show you what will be marked State's Exhibit No. 15 for identification purposes.

(State's Exhibit No. 15, a Maryland State Police Report, marked for identification at this time.)

BY MR. CAMPEN:

Q. Now, can you identify what I just handed you, Mrs. Spicer?

A. Yes. This is a standard form, a request for laboratory examination, which the troopers would submit to the lab.

Q. I'm going to - - I'm sorry.

A. And the second page is the laboratory report, which we would have drawn up on the results of our analysis.

Q. Is that your report that you prepared and filed with the Maryland State Police?

A. Yes, it is.

Q. I want to also show you what has been marked State's Exhibit No. 5. It is a Maryland State Police Property Record. Have you ever seen one of those?

A. Yes, I have.

Q. Now, the first page of your laboratory report, your report has certain numbers that correspond with items in that property report, does it not?

A. Yes, it does.

Q. Would you please refer to those items that you received from the Maryland State Police, as per the property report, in your laboratory form analysis, turning to your page one, I believe.

A. Okay. I received Item No. 1, capital B small B, which was a glass jar containing a solid suspended in a liquid.

I received Item No. 3, capital B, small B, a glass jar containing an off-white solid substance.

I received Item No. 4, capital B. It was a white bucket containing two metal scoops with some vegetable matter.

I received Item No. 8, capital B, small A. It was a glass Mason quart jar containing a yellowish solid substance suspended in a liquid.

I received Item No. 8, capital B small B, a glass

Mason quart jar containing a yellowish solid substance suspended in a liquid.

I received Item No. 11, capital B, small B-1, a brown glass jar containing a white substance.

Received Item No. 11, capital B, small B, No. 2, a brown glass jar containing a white substance.

I received Item No. 11, capital B, small B, No. 3, a brown glass jar containing a white substance.

I received item No. 12, capital B, small A, No. 1, a glass bottle containing a pale yellow liquid.

I received Item No. 12, capital B, small B. No. 1, a brown glass bottle containing a pale yellow liquid.

I received Item No. 12, capital B, small C. No. 1, a brown glass bottle containing a pale yellow liquid.

I received Item No. 28, capital B, capital B, one glass bottle containing a white substance.

I received Item No. 20, capital B. It was a metal strainer containing traces of a white substance.

Q. Now, did you undertake an analysis of those articles that you received from the Maryland State Police?

A. Yes, I did.

Q. Specifically, Mr. Murphy, Trooper Murphy?

A. Yes.

Q. Could you tell the Court what you did and what your results were?

A. For the first item, to refresh your memory, a glass jar containing a solid suspended in a liquid. I evaporated off the liquid and worked with the solid substance. My first test was to run an ultraviolet spectrum on the substance. I obtained the spectrum, which was consistent with phencyclidine.

My next step was to run a microcrystalline test using potassium permanganate dilute and acetic acid, and I came up with crystals, which PCP gives in that reagent.

My next step was to run thin layer chromatography plates. I ran two plates in two different systems using any sample, known PCP standard and a known PCP standard. And I came up with results which were positive for phencyclidine PCP, in both systems.

My next step was to inject the powder into the gas chromatograph and I came up with a positive retention time for phencyclidine.

My next step was to extract the powder and, with using sodium hydroxide and petroleum ether, I ran it on the infrared spectrum and came up with infrared spectrum which was positive for

phencyclidine.

At the conclusion of these tests, I ran a quantitation for the percentage of phencyclidine and I injected this into the gas chromatograph once again to get an amount. At the end of this testing procedure, I determined that phencyclidine, PCP, percentage of 13.1%, a non-narcotic Schedule II, controlled dangerous substance was present in this powder.

Following along in a similar vein, I did the similar tests on all these powders. And Item No. 3, capital B, small B, I found phencyclidine, PCP, 16.5%. No. 4, capital B, had the green vegetable matter and I extracted the parsley flakes, which were present, with methanol and activated charcoal. I came up with a gummy substance in a beaker. I submitted this gummy substance to the same series of tests I mentioned previously. I found phencyclidine was there, .19% or .19 milligrams of phencyclidine per every 10 milligrams of parsley flakes.

Item No. 8, capital B, small A, I submitted to the same series of tests. I found it was a yellowish solid suspended in a liquid. When I evaporated off the liquid, I ended up with a white solid. So, I analyzed the yellow solid and the white solid separately. The yellow solid contained phencyclidine, PCP, 27.6%. The white solid, which came about from evaporating the liquid, contained phencyclidine, PCP, 10.0%.

Item No. 8, capital B, small B, also contained a yellow solid suspended in a liquid. Once again, when I evaporated off the liquid, I came up with a white

solid substance. So, I analyzed the yellow and the white separately. The yellow solid contained phencyclidine 28.9%. The white solid contained phencyclidine 7.2%.

Item No. 11, capital B, small B, No. 1, was a brown glass jar containing a white substance. The substance was procaine hydrochloride, which is not a controlled dangerous substance.

Item No. 11, capital B, small B, 2, was a brown glass jar with another white substance. Substance was ephedrine sulfate, which is not a controlled dangerous substance.

Item No. 11, capital B, small B, No. 3, was a glass jar with a white substance. The substance was lidocaine, which is not a controlled dangerous substance.

Item No. 12, capital B, small A, No. 1, was a bottle containing a pale yellow liquid. I evaporated off the liquid and I obtained an off-white solid substance. I could not, the presence of controlled dangerous substances was either not positively confirmed or not detected in that sample.

Item No. 12, capital B, small B, No. 1, was a brown glass bottle containing a pale yellow liquid. Liquid was evaporated off, leaving an off-white solid substance. The presence of controlled dangerous substances was either not positively confirmed or not detected.

Item No. 12, capital B, small C, No. 1, was a brown glass bottle containing a pale yellow liquid. Liquid was evaporated, leaving an off-white solid substance. The presence of controlled dangerous substances was either not positively confirmed or not detected.

Item No. 28, capital B, capital B, was a glass bottle containing a white substance. The substance contained 1-piperidin-o-cyclohexane-carbonitrile, or PCC, which is a precursor in the manufacture of phencyclidine. PCC is reacted with another chemical, phenylmagnesium bromide, and the result of the reaction is PCP or phencyclidine.

The last item, Item No. 20, capital B, was a metal strainer containing traces of a white substance. The substance contained PCC, or 1-piperidin o-cyclohexane-carbonitrile, a precursor of phencyclidine.

Q. Now, Mrs. Spicer, you're referring to samples that had a purity of 27.6%, 28.9%. Can you tell the Jury whether or not that is a high or a low grade of PCP?

A. For the powders that I was seeing at the State Police, it was generally a high percentage. And for the percentage of phencyclidine present on parsley flakes, it was a very high percentage. As one of the other samples in the case, where I did have the parsley flakes, I noted the concentration was 1.9%, and that would be usually what we would see, PCP on parsley flakes.

Q. Thank you. Do you have your report in your hand?

A. Yes.

Q. That is your report that you prepared and submitted in the course of your analysis?

A. Yes, it is.

MR. CAMPEN: If there's no objection, Your Honor, I will move for the admission of evidence of State's No. 15.

MR. JONES: Objection, without argument.

THE COURT: Overruled, Let it be admitted.

(State's Exhibit No. 15, a Maryland State Police Report, having been previously marked for identification, was marked and received in evidence at this time.)

MR. CAMPEN: Thank you, Mrs. Spicer.

You may inquire.

MR. JONES: Thats your questions?

THE COURT: She's your witness.

MR. JONES: I have no questions.

THE COURT: May I see, as I understand it, the

Jury will have to correlate two exhibits in order to determine which is the pictures and the physical items were and were not PCP. Is that right?

MR. CAMPEN: Your Honor, the Jury may or may not need to. I have Chief Chemist Tobin here, who and, I'll connect it up tomorrow. I simply wanted to get Mrs. Spicer's testimony today, without any further inconvenience to her.

MR. JONES: The numbers are colated and relate from the inventory sheet to the chemist report?

THE COURT: Okay. Well, You're satisfied then with the exhibit without any further questions of her, that a reasonable person could determine, for instance, there were a lot of Mason jars and things like that. Can the Jury or myself determine that the brown substance on one Mason jar was or was not PCP?

MR. CAMPEN: I intend to connect it up tomorrow. I simply wanted to accommodate Mrs. Spicer.

THE COURT: Thank you. You're excused and free to return to your work.

THE WITNESS: Thank you, Your Honor.

MR. CAMPEN: Thank you, Mrs. Spicer.

MR. JONES: Thank you.

MR. CAMPEN: Recall Trooper Dean.

APPENDIX I

IN THE SUPREME COURT OF MARYLAND

PETITION DOCKET NUMBER

Petition No. 371
September Term, 2023

HUGH HARTMAN BALDWIN
Petitioner, Pro. Se.

v.

STATE OF MARYLAND
Respondent

Petition for Writ of Certiorari to
The Supreme Court of Maryland
September Term 2023 No. 1693

Filed: January 31, 2024

Hugh Hartman Baldwin
26740 Mallard Road
Chestertown, MD 21620
(410) - 739-0134

IN THE SUPREME COURT OF MARYLAND

HUGH HARTMAN BALDWIN
Petitioner,

v.

STATE OF MARYLAND,
Respondent.

September Term 2023
Petition Docket No. 371

PETITION FOR WRIT OF CERTIORARI

Petitioner, Hugh Hartman Baldwin Pro Se, moves pursuant to Md. Rule 8-301 for this Court to issue a Writ of Certiorari to review the Appellate Court of Maryland ("ACM") decision, and states for cause as follows:

INTRODUCTION

This case presents an issue of critical public importance that merits this Court's consideration. Specifically, this case presents the opportunity to clarify the circumstances under which a trial judge may find the petitioner is suffering and facing significant collateral consequences from the conviction. An unreported opinion in The Appellate Court of Maryland No. 1693, September Term 2023, filed January 31, 2024, is the basis for Petitioner's Petition for Writ of Certiorari attached as Exhibit D.

A petition for writ of error coram nobis is an independent civil action that a convicted individual, who is neither serving a sentence nor on probation or parole, may bring to collaterally challenge a criminal conviction. *SKOK v. STATE*, 361 Md. 52, 65, 760 A.2d. 647, 661 (2000). Coram nobis relief is, however, "extraordinary," *id.* At 72, 760 A.2d. 647 (quoting, *UNITED STATES v. MORGAN*, 346 U.S. 502 512 74 S. Ct. 247, 98 L.Ed. 248 (1954), and therefore limited to "compelling" circumstances rebutting the presumption of regularity" that ordinarily "attaches to the criminal case." *Id.* At 72, 78, 760 A. 2d. 647. The burden of demonstrating such circumstances is on the coram nobis petitioner.

To state a cause of action for coram nobis relief, a petitioner must allege, and Petitioner, Hugh Hartman Baldwin continues to allege: (1) The grounds are of a "constitutional, jurisdictional and fundamental character." (2) The petitioner has the burden to overcome the "presumption of regularity" in the criminal case. (3) The petitioner is suffering and facing significant collateral consequences from the conviction. (4) The issues are not waived. (5) There are no other statutory or common law remedies available, in that, petitioner as a result of the underlying conviction is not incarcerated subject to parole or probation. The unreported decision, in The Appellate Court of Maryland No. 1693 September Term 2023, filed January 31, 2024, affirmed the judgement of the circuit court for Cecil County, case No. C-07-CV-20-000047. The judgement of the circuit court has adjudicated all claims in the action in their entirety, and the rights and liabilities of all parties to the

action. The judgement and order of the Circuit Court, The Honorable Brenda A. Sexton, is dated September 19, 2023, and is attached as Exhibit C.

QUESTIONS FOR REVIEW

1. Did the State commit a Bad Faith Due Process Violation resulting in outstanding legal consequences to the petitioner, to wit: Significant Collateral Consequences, not previously recognized by the Court?
2. Did the State's failure to provide discovery result in outstanding legal consequences to the petitioner, to wit: Significant Collateral Consequences, not previously recognized by the Court?
3. Was legal counsel to petitioner, Mr. Robert v. Jones of Elkton, Md. Public Defender and Appellate Counsel, Public Defenders Mr. John L. Kopolow and Mr. Alan H. Murrell ineffective?
4. Did the inability to obtain transcripts of all court hearings, deprive petitioner of the earliest opportunity to pursue post-conviction relief, (while incarcerated, on parole, or on probation) thereby resulting in outstanding legal consequences to the petitioner, to wit: Significant Collateral Consequences, not previously recognized by the Court?

REVIEW BY THE COURT

Review by this court is desirable and in the public interest for three reasons. First it will provide clarity for litigants seeking a better understanding of Significant Collateral Consequences. Second a clear concise definition of Significant collateral Consequences would provide essential guidance. Third, to date Maryland appellate courts have only explicitly held, subsequent enhanced sentences and deportation may be Significant Collateral Consequences. This case presents an excellent vehicle to clarify these important questions and to add additional findings on what the petitioner alleges as Significant Collateral Consequences. Put simply, granting this writ is both desirable and in the public interest.

**REFERENCE TO PERTINENT
CONSTITUTIONAL PROVISIONS
AND STATUTES**

The due process clause of the Fourteenth Amendment provides that no state shall "deprive any person of life, liberty, or property, without due process of law. Under this clause, 'criminal prosecutions must comport with prevailing notions of fundamental fairness. The United States Supreme Court has long held that fundamental fairness "require(s) that criminal defendants be afforded a meaningful opportunity to present a complete defense. "including the right of access to exculpatory evidence. CALIFORNIA v. TROMBETTA. 467 U.S.479, 485. 104 S. Ct. 2528. 81 L. Ed. 2d. 413 (1984).

Md. Crim. Causes. 4-263 (d) Disclosure by the

State's Attorney (5) Exculpatory Information. All material or information in any form, whether or not admissible, that tends to exculpate the defendant or negate or mitigate the defendant's guilt or punishment as to the offense charged. (1) Retention. The party generating discovery material shall retain the original until the earlier of the expiration of (i) any sentence imposed on the defendant.

Maryland Rule 5-1004 provides for admissibility of "other evidence of contents." Carelessness, recklessness, ordinary negligence, and even gross negligence are all satisfactory explanations. Intentional destruction to gain an unfair advantage is obviously not a sufficient excuse.

Statutes Text Article-Public Safety 3-101(g)
"Police misconduct" means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes: (3) a violation of law enforcement agency standards and policies. Exhibit G.

The Maryland State Police Patrol Manual (2nd. Edition, October 1, 1977, Revised 7/9/90); Chapter 30 Handling and Disposition of Property; Section 1. Procedures for the Administration of Evidence, Controlled Dangerous Substances, and Found or Recovered Property; 10-0. Controlled Dangerous Substances Procedures; 30-15.2(3)(iv), provides that if it is determined that any stored substance poses a threat:

When conditions are safe, a small sample of the substance Should be collected for

analysis and an order to destroy the remaining Substance will be obtained from the state's attorney have jurisdiction.

A copy of the above quoted section is attached as Exhibit H.

PROCEDURAL HISTORY

On July 12, 1978, an eight-count criminal information was filed against Petitioner in the Circuit Court for Talbot County, charging: (1) unlawfully possessing a CDS in sufficient quantity to indicate an intent to manufacture, distribute, and dispense the same; (2) manufacturing a CDS (Phencyclidine); (3) possession of machines, equipment, and implements adapted for the production of a CDS; and (4) maintaining a common nuisance at two separate locations.

Petitioner was tried on November 14, 1978. Petitioner's conviction was reversed and remanded by the Court of Special Appeals; that decision was affirmed by the Court of Appeals. STATE v. BALDWIN 289 Md. 635, 426 A. 2d. 916 (1981). Petitioner was tried again on July 29, 1981. This conviction was also overturned BALDWIN v. STATE 51 Md. App. 538, 444 A.2d. 1058 (1982). On November 23, 1982, Petitioner was tried again: Petitioner was convicted on three counts: maintaining a common nuisance: possessing PCP with intent to distribute, and possessing equipment adapted for the production and sale of controlled dangerous substances. On

January 3, 1983, the trial court imposed consecutive five-year sentences on each of the three convictions; one year of each was suspended and Petitioner was placed on probation on all three counts upon his release from incarceration. On January 11, 1983, he appealed those convictions and the verdict was affirmed on appeal. BALDWIN v. STATE, 56 Md. App. 529, 468 A. 2d. 394 (1983).

THE WRIT OF ERROR CORAM NOBIS HEARING

On August 5, 2021, the Honorable Judge V. Michael Whelan conducted a hearing on Petitioner's Amended Petition for Writ of Error Coram Nobis. A Statement and Order of the Court was issued on August 30, 2021. The Coram Nobis Court found that Petitioner Failed to demonstrate that he suffered from or faced any actual or significant collateral consequences and denied Petitioner's requested relief.

The Appellate Court of Maryland, in its review of the Coram Nobis Court's decision noted that Petitioner presented seven questions for their review. The Appellate Court of Maryland, in an unreported opinion, No. 1084 September Term, 2021, filed July 11, 2022 affirmed the decision of the Coram Nobis Court. The Appellate Court of Maryland found that Petitioner had failed to prove significant collateral consequences stemming from the convictions. The Appellate Court further found that Petitioner's failure to prove significant collateral consequences was fatal to Petitioner's request for relief, the Appellate Court found it unnecessary to address Petitioner's first six

questions. A timely appeal was noted. In The Court of Appeals of Maryland, petition Docket No. 203, September Term 2022, on October 25, 2022 the petition for a writ of certiorari was denied.

On June 22, 2023 Petitioner filed a Motion to Reopen a Previously Concluded Post Conviction Proceeding. In the Circuit Court of Cecil County Case No. C-07-CV-20-000047, The Honorable Brenda A. Sexton on September 29, 2023, denied the motion, attached as Exhibit C. A timely appeal was noted. In an unreported opinion, The Appellate Court of Maryland, No. 1693, September Term, 2023, filed January 31, 2024, denied the Application for Leave to Appeal, attached as Exhibit D. Petitioner now files a Writ of Certiorari to The Maryland Supreme Court.

STANDARD OF REVIEW

We "will not disturb the factual findings of the post-conviction court unless they are clearly erroneous." *SHORTALL v STATE*, 237 Md. App. 60, 74 (2018) (quoting *WILSON*, 363 Md. At 348) aff'd. 463 Md. 324 (2019). With respect to constitutional claims, however, our review is *de novo*. *WARE v. STATE* 348 Md. 19, 48 (1997). Such a review requires us to "independently evaluate the totality of the circumstances as evidenced by the entire record." *Id.* (quoting *DORSEY v. STATE*, 276 Md. 638, 659 (1976)).

STATEMENT OF FACTS

Cecil County, Md. Court Docket No. C-07-CV-20-000047 is attached as Exhibit A. Cecil County, Md.

Court Docket Criminal No. 4608 is attached as Exhibit B.

On June 20, 2023, Petitioner filed a Motion To Reopen a Previously Concluded Post-Conviction Proceeding (Under Affidavit) in the Circuit Court for Cecil County, Case No. C-07-CV-20-000047. Without the benefit of a hearing, on September 29, 2023, The Honorable Brenda A. Sexton, ORDERED that the Motion to Reopen Previously Concluded Post Conviction Proceeding is hereby DENIED. The Statement and Order of the Court is attached as Exhibit C. A timely appeal was noted. In an unreported opinion. The Appellate Court of Maryland, No. 1693 September 2023, POST CONVICTION, HUGH BALDWIN v. STATE OF MARYLAND filed January 31, 2024, denied The Application for Leave to Appeal, attached a Exhibit D.

The Petitioner will now argue the four questions stating the questions are valid and there has been no waiver. Md. Code. Crim. Proc. 7-106, Allegation of error, (a)(2) a court of original jurisdiction, after a full and fair hearing, decides on the merits of the allegation in a petition for a writ of habeas corpus or a writ of error coram nobis: unless the decision on the merits of the petition is clearly erroneous; (c)(i) The Constitution of the United States or the Maryland Constitution imposes on State criminal proceedings a procedural or substantive standard not previously recognized.

ARGUMENT

REASONS FOR GRANTING THE WRIT

The Appellate Court of Maryland and The Coram Nobis Court's decision were clearly erroneous, see: Exhibit C and D.

1. Did the State commit a Bad Faith Due Process Violation resulting in outstanding legal consequences to the petitioner, to wit: Significant Collateral Consequences, not previously recognized by the Court?

At the Petitioner's Third Trial, after the Court's virtual instructions to the jury, the State's Attorney requested a bench conference, after which conference, the Court recessed for approximately fifteen (15) minutes. When the Court reconvened, out of the presence of the jury, The State's Attorney stated:

MR. CAMPEN: Because these chemicals over the years now, Have caused a problem with the Maryland State Police in retaining And storing them, specifically one item was a container of potassium Cyanide which was beginning to eat the metal container, in which it Was contained, up. That had to be destroyed. It had to be burned Professionally.

And there came a time that we determined that all of these Articles, especially the illegal phencyclidine, large quantity of it, had To be destroyed because the police bad no way to continue to hold it And we took photographs of

each and every item. (T.T. 54-58) are Attached as Exhibit E.

Mr. Sidney Campen States Attorney for Talbot County gave "Notice" of the destruction of evidence, the day of the trial, "Notice" of the destruction was a complete and total surprise to Defense Counsel, and Petitioner. Mr. Sidney Campen's admission was Prosecution by Ambush, (Unfair Surprise). Mr. Sidney Campen lied to the Court, as to the foundation for the destruction of all the alleged C.D.S. evidence. Mr. Sidney Campen's statement regarding Potassium Cyanide in a metal container, was DELIBERATE FRAUD,

Ms. Kathleen Spicer, Chemist. working for The Maryland State Police Lab, NEVER, testified as to an assay yielding Potassium Cyanide. Ms. Kathleen Spicer's testimony can be found on pages 187 thru 196 of Exhibit F, attached to this filing. The deliberate and willful destruction of all the evidence violated Maryland State Police Policy; see Patrol Manuel Maryland State Police page 30-15.2 attached as Exhibit H. See also Maryland Article-Public Safety 3-301(g) "Police misconduct" means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes: (3) a violation of law enforcement agency standards and policies, attached as Exhibit G. The deliberate and willful destruction of all the evidence, resulted in irreparable prejudice to the Petitioner; (1) Petitioner can no longer assay the alleged C.D.S. despite a Court Order allowing assay. Order of Hon. H. Kenneth Mackey that Chemist for the Defendant is permitted to analyze the evidence,

see: Exhibit B page 2. (2) The State gained an unfair advantage through the destruction of all the evidence. (3) petitioner was denied an effective defense, denied an opportunity to impeach the States Chemist Ms. Kathleen Spicer and her findings, see: Exhibit F pages 187-196. (4) Denied a Fair Trial. A BAD FAITH DUE PROCESS VIOLATION resulted in outstanding Legal Consequences to the Petitioner, a Significant Collateral consequence the likes that have not been recognized by The Maryland Supreme Court. Simply, How do you prove your Innocence when all the evidence has been illegally destroyed?

2. Did the State's failure to provide Discovery result in outstanding legal consequences to the petitioner, to wit: Significant Collateral Consequences, not previously recognized by the Court?

All the evidence was destroyed on or about July 30, 1981 fourteen months prior to trial. see: Exhibit E page 143 line 6. There was no Frye-Reed Hearing, to determine the reliability of the evidence. The States failure to provide Discovery, Md. Rule 4-263, the failure to follow Retention Mandates Md. Rule 4-263(1). The failure to retain evidence resulted in outstanding legal consequences to wit: Significant Collateral Consequences, not previously recognized by The Maryland Supreme Court. The United States Supreme Court, stated: "Such evidence must be disclosed if it is material, that is if there is a reasonable probability the evidence might have altered the outcome of the trial see: U.S. v. BAGLEY 473 U.S. 667 (1985). The Maryland Court of Special Appeals in CUMBERLAND INSURANCE GROUP v.

DELMARVA POWER No. 72 September Term 2015, Stated: "the doctrine of spoliation is grounded in fairness and symmetry: Stated simply, a party should not be allowed to support its claims or defenses with physical evidence that it has destroyed to the detriment of its opponent. We began our review of the law by noting that Maryland's discovery rules do not deal separately with the destruction of evidence, but do permit dismissal based on failure to respond to discovery requests. We pointed out that destruction of evidence would render meaningless a discovery request or render not an order to compel."

The failure of the State to provide Discover, resulted in outstanding Legal consequences to the Petitioner. These legal consequences were prejudice to the Petitioner, (the legal impossibility of mounting a defense where the evidence hat has been destroyed lies at the core of the case). See: Exhibit E. The loss of evidence was so prejudicial that it denied the petitioner the ability to defend a claim of Innocence. Truly, a Serious Collateral Consequence resulting from a Discovery Violation, not previously recognized by Maryland's Supreme Court.

3. Was legal counsel to petitioner, Mr. Robert V. Jones of Elkton, Md. Public Defender and Appellate Counsel, Public Defenders Mr. John L. Kopolow and Mr. Alan H. Murrell ineffective?

As stated on page 8, Statement and Order of the Court "The Court also found that trial counsel's performance was not deficient." "The Court found that trial counsel's conduct was not deficient and petitioner

has not rebutted the presumption of regularity attached to the trial." See Exhibit C. page 8. Petitioner will now rebut the presumption of regularity.

On November 22, 1982 when Mr. Sidney Campen States Attorney for Talbot County, Md., announced all the phenacyclidine was destroyed, there was No Motion for Mistrial, No Motion for Dismissal by Public Defender Mr. Robert V. Jones. There is no information in the Court Docket or Trial Transcripts concerning a Fyre-Reed Hearing or the reliability of the now destroyed evidence. See Exhibit E pages 54-58. The now destroyed evidence was subject to a Motion for Discovery filed by Mr. Robert V. Jones on July 1, 1982. See Exhibit B Page 7. In his requests for Discovery, Mr. Jones asked for all written documents related to the equipment used to analysis the alleged C.D.S., and the analysis of the alleged C.D.S. None of the described documents were provided in response to Mr. Jones request for Discovery. Mr. Jones never filed an "OBJECTION" to the States failure to provide the described documents.

Mr. Robert V. Jones, Public Defender, failed to cross examine The States Chemist. Counsel's failure to cross examine the States Chemist was ineffective assistance of Counsel particularly in light of the Petitioner's contention that the alleged C.D.S. was not a controlled dangerous substance. See Exhibit F T.T. page 196. Mr. Jones filed a Motion for a New Trial, after petitioner was convicted on three counts. In his Motion for a New Trial, Mr. Jones failed to pursue a Fyre-Reed Hearing Violation, Failed to pursue a Discovery Violation, failed to pursue a Retention

Mandate Violation, and failed to pursue a BAD FAITH DUE PROCESS VIOLATION.

Maryland Public Defenders, Appellate Division, Mr. John L. Kopolow and Mr. Alan H. Murrell were on direct appeal, constitutionally ineffective for failing to pursue (1) Trial Counsel's failure to Cross-Examine the State's Chemist, (2) Trial Counsel's failure to pursue a Fyre-Reed Hearing Violation, (3) Trial Counsel's failure to pursue a Discovery Violation, (4) Trial Counsel's failure to pursue a Retention Mandate Violation, and (5) Trial Counsel's failure to pursue A BAD FAITH DUE PROCESS VIOLATION. The affirmation of the conviction on appeal, BALDWIN v. STATE 56 Md. App. 529 468 A.2d. 344 (1983), could only have resulted from ineffective assistance of counsel at the Appellate Level.

4. Did the inability to obtain transcripts of all court hearings, deprive petitioner of the earliest opportunity to pursue post-conviction relief, (while incarcerated, on parole, or on probation) thereby resulting in outstanding legal consequences to the petitioner, to wit: Significant Collateral Consequences, not previously recognized by the Court?

The States failure to provide Trial Transcripts in a timely manner, resulted in outstanding Legal Consequences and Significant Collateral Consequences to the Petitioner.

Petitioner's efforts to locate the Trial Transcripts are found as Exhibit I. Petitioner's only recourse in pursuing an action to achieve justice was

through the filing of a Motion to reopen a Previously concluded Coram Nobis Petition. Petitioner's Coram Nobis Petition was denied on the basis Petitioner failed to prove Significant Collateral Consequences. See: BALDWIN v. STATE, COSA, No. 1084, September Term 2021. Had The State of Maryland provided Trial Transcripts in a timely manner, there would have been no need to provide or prove Significant Collateral Consequences in a much earlier and timely filed Post Conviction Notice.

The above facts and circumstances constitute sufficient significant collateral consequence to entitle the Petitioner to Coram Nobis relief. Coram Nobis relief would result in amelioration of the collateral consequences the Petitioner is presently suffering and will continue to suffer without such relief; to wit: A Clearly Wrongful Conviction.

CONCLUSION

WHEREFORE, for the foregoing reasons, Hugh Hartman Baldwin respectfully request that this Honorable Court, GRANT, this Petition for Writ of Certiorari to The Supreme Court of Maryland.

Respectfully submitted,

Hugh H. Baldwin
Feb. 21, 2024

CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH THE MARYLAND RULES

This filing was printed in 13-point Times New Roman font; complies with the font, line spacing, and margin requirements of Maryland Rule 8-112; And contains 3876 words, excluding the parts exempted from the word Count by Maryland Rule 8-503.

Hugh Hartman Baldwin
Petitioner Pro Se

CERTIFICATE OF REDACTION

Pursuant to Rule 20-201 of the Maryland Rules of Civil Procedure, I hereby Certify that the enclosed filings contain no restricted information.

Hugh Hartman Baldwin
Petitioner Pro Se

AFFIDAVIT OF HUGH HARTMAN BALDWIN

I Hugh Hartman Baldwin do solemnly affirm the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true and correct.

Signed,

Hugh H. Baldwin
Feb. 21, 2024

99a

SHEREY L. JONES
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 1, 2026

APPENDIX J

IN THE CIRCUIT COURT FOR CECIL COUNTY, MARYLAND

Criminal No. 460B

STATE OF MARYLAND

VS

HUGH HARTMAN BALDWIN, JR.
(PAGE 2)

COUNSEL FOR PLAINTIFF'S
Donaldson C. Cole, Jr.

COUNSEL FOR DEFENDANT'S
Richard. H. Sothoron, Jr.

Oct. 30, 1978. - Agreement & Stipulation

Oct. 30, 1978.- Hearing
Hon. H. Kenneth Mackey, Presiding
David T. Pinder, Court Reporter
Agreement & stipulation of counsel that the Motion to
Suppress hearings of Hugh H. Baldwin Jr. & Alfred B.
Mackown, Jr. be heard together and counsel &
defendants agree to be bound by ruling of Court.
Counsel heard Motion by defendant to sequester
Witnesses, Motion granted. Witnesses sworn.
Testimony heard and taken. As to Motion to Suppress
evidence, Held Sub-Curia.

Oct. 30, 1978. - Opinion and Order Denying Hearing on Motion to Suppress Wire Tap Evidence and Four Certain Search Warrants.

Oct. 30, 1978. - Opinion and Order Granting Conditional Hearing upon Motion to Suppress Evidence.

Nov. 8, 1978. - Opinion and Order Denying a Motion to Suppress Evidence Gathered by Wire Tap Interception.

Nov. 8, 1978. - Opinion and Order Denying Motions to Suppress Evidence Seized at Atlantic Glass Co.

Nov. 8, 1978. - Opinion and Order Denying Motions to Suppress Evidence Seize at the Premises on Route 662.

Nov. 8, 1978. - Opinion and Order Denying Motions to Suppress Evidence Seized at the Premises and Car in Kent County.

Nov. 8, 1978. - Opinion and Order Denying Motions to Suppress Evidence Seized from the Safe Deposit Box.

Nov. 8, 1978. - Order of Hon. H. Kenneth Mackey that Chemist for the Defendant is permitted to analyze the evidence.

Nov. 8, 1978. - Motion to Compel Presence of Chemist Testifying on Behalf of State, "Moot"

Nov. 14, 1978 - Jury Trial Hon. H. Kenneth Mackey,

Presiding

Kathleen Martenis, Court Reporter

Jurors sworn on Voir Dire

Jurors empanelled, struck and sworn

Motion by the State and Defense to sequester
witnesses, Motion granted.

Motion by the defense for a mistrial, Motion denied.

Witnesses sworn , testimony heard and taken

2nd day: Nov. 15, 1978

All Jurors Present

Witnesses sworn, testimony heard and taken

Motion for a judgment of acquittal at the close of the
whole case, Motion denied

3rd day: All Jurors Present

All prayers of defendant refused

* * *

Upon release, placed on probation with Dept. of Parole
& Probation for a period of five (5) years, said probation
to run concurrent to probation in Count No. 5.

Total prison sentence -16 yrs.

Total fine \$60,000.00.

Total years sentence suspended - 4 yrs.

Total years probation - 5 yrs.

Fine to be paid during the first four (4) years of
probation.

Advised of constitutional rights, etc.

In custody.

Court costs due \$75.00.

Aug. 17, 1981 - Order for an appeal.

Oct. 16, 1981. - Petition and Order Extending time in transmitting record to Court of Special Appeals of Maryland until 11/16/81.

Nov. 9, 1981. - Transcripts of Testimony (2).

Nov. 10, 1981. - Record transmitted to Court of Special Appeals of Maryland accordingly.

Mar. 22, 1982. - Order from the Court of Special Appeals of Maryland directing the Court to transmit proceedings of hearing of Judge Mackey on 6/15/81.

Apr. 2, 1982. - Transcript of hearing on 6/5/81.

Apr. 2, 1982. - Order of Court of Special Appeals of Maryland and transcript of hearing on 6/15/81 transmitted to Court of Special Appeals of Maryland accordingly.

Jun. 9, 1982. - Original record received from Court of Special Appeals of Maryland showing the following disposition:

May 6, 1982. - Opinion by Wilner, J.
Judgements reversed; case remanded for retrial;
Talbot County to pay the costs

Jun. 7, 1982. - Mandate issued.

Jun. 11, 1982 - Order of Hon. George B. Rasin, Jr. setting bond and transporting deft. to Sheriffs custody.

Jun. 15, 1982. - Bond \$100,000.00 copy mailed to Circuit Court for Kent County.

Jun. 21, 1982. - Exit summons to Sheriff of Kent County.

Jun. 24, 1982. - Kent County Sheriff's return of Summons, Served 6/22/82.

Jul. 1, 1982. - Written Plea of Not Guilty and Election of Jury Trial.

Jul 1, 1982. - Defendant's Requests for Discovery.

Jul. 1, 1982. - Motion to Suppress.

Jul. 28, 1982. - Motion for Change of Venue.

Jul. 28, 1982. - Motion for Recusal of Original Trial Judge From Presiding at New Trial.

Jul. 30, 1982. - Motion of Former Jeopardy.

Aug. 23, 1982. - Hon. J. Owen Wise appointed to this case per Hon. George B. Rasin, Jr., Administrative Judge.

Nov. 5, 1982. - Hearing.
Hon. J. Owen Wise, Presiding
Kathleen Martenis, Court Reporter
Motion by defendants attorney for

* * *

APPENDIX K

[LOGO OF MARYLAND STATE POLICE]

PATROL MANUAL

MARYLAND STATE POLICE

Reprinted: June 30, 1983
[changed by hand to Feb. 15, 1995]

SECOND EDITION
OCTOBER 1, 1977

* * *

Chapt. 30
Sec. I
Sub. 10-1

- (1) In order to ensure the safe handling and appropriate disposition of these illicit substances which may pose a threat to personal safety, Agency personnel who encounter such substances (either by design or unintentionally during search and seizure, control led buys, drug interdiction, etc.) shall seek the advice of an Agency on-call forensic chemist as soon as reasonably possible.
- (2) Individuals requesting consultation with a chemist should contact the Crime Laboratory Division, Monday through Friday, 0830 to 1630 hours. At all other times, they should contact the Telecommunications Division duty officer. On a monthly basis, the Director of the Crime Laboratory Division will provide the Commander of the Telecommunications Division with a schedule of on-call forensic chemists. The duty officer will call the appropriate chemist and have him contact the member requesting assistance.
- (3) If it is determined that any substance poses a threat, the following steps should be taken to minimize risk to personal safety:

- I. The immediate area around the substance will be secured and vacated.
- II. The Telecommunications Division duty officer will be contacted and requested to notify:

- aa. the appropriate explosive/bomb specialist from the State Fire Marshal's Office when considered extremely volatile, or
- bb. the Hazardous Material Unit of the State Fire Marshal's Office for guidance and containment equipment.

III. The closest fire department will be requested to stand by with appropriate equipment until the situation is neutralized, when circumstances indicate the necessity.

IV. When conditions are safe, a small sample of the substance should be collected for analysis and an order to destroy the remaining substance will be obtained from the state's attorney having jurisdiction.

V. The collected sample will be immediately transported to the Crime Laboratory by the investigator, Crime Scene Unit personnel or on-call chemist, according to established Agency procedures for a priority examination.

* * *

APPENDIX L

E-FILED; Cecil Circuit Court
Docket: 2/2/2021 12:46 PM;
Submission: 2/2/2021 12:46 PM

IN THE CIRCUIT COURT FOR CECIL COUNTY, MARYLAND

HUGH HARTMAN BALDWIN
26740 MALLARD DRIVE
CHESTERTOWN, MARYLAND 21620
DEFENDANT/PETITIONER

V.

THE STATE OF MARYLAND
RESPONDENT

CASE NO. C-07-CV-20-0000047

FIRST AMENDED PETITION FOR WRIT OF ERROR *CORAM NOBIS* (Under Affidavit)

NOW COMES, Hugh Hartman Baldwin, Jr., hereinafter the "Petitioner," and/or the "Defendant," by and through his Attorney, David C. Wright, Esquire, pursuant to Maryland Rules, Title 15, Chapter 1200, and in support of this Petition for Writ of Error *Coram Nobis*, (Under Affidavit), does hereby, respectfully, state, aver, and represent, unto this Honorable Court as follows:

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ADMISSABILITY OF EVIDENCE	12

* * *

B. The illegal wiretap, which demonstrates the nature of the illegal manner in which the Petitioner was treated from the outset, the negative legal consequences of which upon the Petitioner were not fully remediated by simply suppressing the evidence from that wiretap.

C. Deprivation of the Petitioner's right to counsel, which among other specific negative consequences, deprived the Petitioner of his right to conduct an independent analysis of the alleged CDS.

D. Wide sweeping violations of the Petitioner's due process right to a fair trial surrounding the analysis of the alleged CDS, including improper destruction of the alleged CDS after the Petitioner had been granted the right to have the alleged CDS independently analyzed, but before the Petitioner could exercise that right.

E. Insufficient evidence to connect the Petitioner with the CDS manufacturing equipment seized from the shed at MacKown's home on Route 662 in Talbot County, Maryland, to support a conviction of the Petitioner for maintaining a common nuisance at that location.

F. Insufficient evidence to connect the Petitioner with the CDS seized from the shed at MacKown's home on Route 662 in Talbot County, to support a conviction of the Petitioner for possession of the CDS seized at that location.

G. Ineffective assistance of counsel at the Petitioner's Third Trial, including an absolute failure to cross-examine the Chemist and request a missing evidence instruction to the Jury.

B.
Inability to Obtain Transcripts

250. Since the conclusion of his First Trial on July 6, 1976, through the filing of this Petition, the Petitioner has been indigent.

251. In *Griffin v. Illinois*. 351 U.S. 12 (1956), the United States Supreme Court held that indigent Defendants have a constitutional right to free transcripts of all proceedings in their case.

252. Despite his constitutional right to obtain free transcripts of all proceedings in the above matter, the Petitioner has engaged in an ongoing decade's long unsuccessful crusade to obtain a complete copy of all Orders, pleadings, documents, and transcripts in the above matter.

253. The Petitioner appealed the convictions from all three (3) of his trials and his violation of probation bearing.

254. Transcripts of all the proceedings in the above matter were prepared in a timely fashion for the purposes of those appeals.

255. As indicated above, the Court file in the above matter has been destroyed, which, by information and

belief, the Petitioner avers occurred approximately fifteen (15) years ago.

256. During the period of the Petitioner's incarceration for Violation of Probation in 1990, the Petitioner's Father requested transcripts:

A. At least three (3) times, in person, from the Clerk's Office for the Circuit Court for Cecil County, Maryland;

B. At least two (2) times, in person, from the Office of the Public Defender for the Second Judicial Circuit of Maryland.

257. After the Petitioner's release from incarceration for the last time in 1991, for a period of approximately eighteen (18) months, the Petitioner made diligent, ongoing, and persistent efforts to obtain the transcripts of the proceedings in the above matter, and, during that period, requested transcripts as follows:

A. At least two (2) times, in person, from the Clerk's Office for the Circuit Court for Cecil County, Maryland, on each such occasions speaking directly to the Clerk of the Circuit Court himself, Nelson D. Stubbs.

B. At least two (2) times, in writing, from the Clerk's Office for the Circuit Court for Cecil County, Maryland.

C. At least three (3) times, in person, from the

Office of the Public Defender for the Second Judicial Circuit of Maryland.

D. At least three (3) times, in writing, from the Appellate Division of the Office of the Public Defender of Maryland.

E. At least three (3) times, in writing, from the Criminal Appellate Division of the Office of the Attorney General of Maryland.

F. At least two (2) times, in writing from the Maryland Archives.

258. In response to the more than five (5) requests for transcripts and documents made by the Petitioner's Father during 1991, and, the more than fifteen (15) requests for transcripts and documents made by the Petitioner during 1991 and 1992, no transcripts were provided.

259. More recently, after having suffered recent significant collateral consequences, as set forth below, the Petitioner has made further efforts to obtain copies of transcripts and documents.

260. During the above-described recent search for transcripts, the Petitioner requested transcripts from six (6) different sources.

1.
**Attorney General
Appellate Division**

261. The Petitioner requested transcripts from the Appellate Division of the Attorney General.

262. The Petitioner received a letter from the Attorney General, to the Petitioner, dated June 27, 2018, indicating the inaccuracy and incorrectness of the previous letter, that had indicated that the Attorney General had no transcripts or documents in the above matter, and, enclosing a copy of the transcript from the Petitioner's Third Trial.

263. A copy of the letter from the Attorney General, to the Petitioner, dated June 27, 2017, is attached hereto as Exhibit B, and is hereby incorporated by reference as if fully set forth herein.

264. The Petitioner received a letter from the Attorney General, dated July 10, 2018, indicating the transcript of the Petitioner's Third Trial was enclosed, and, further indicating no other transcripts or documents were in their possession.

265. A copy of the letter from the Attorney General, to the Petitioner, dated July 10, 2018, is attached hereto as Exhibit E, and is hereby incorporated by reference as if fully set forth herein.

266. In its letter of July 10, 2018, the Attorney General failed to acknowledge its prior misstatements to the Petitioner about the absence of transcripts and documents in the above matter.

267. The Petitioner received a letter from the Attorney General, to the Petitioner, dated January 11,

2019, indicating that they had no transcripts or documents in the above matter, other than the transcript of the Petitioner's Violation of Probation Hearing.

268. A copy of the letter from the Attorney General, to the Petitioner, dated January 11, 2019, is attached hereto as Exhibit F, and is hereby incorporated by reference as if fully set forth herein.

269. In its letter of January 11, 2019, the Attorney General failed to acknowledge its prior misstatements to the Petitioner about the absence of transcripts and documents in the above matter; failed to acknowledge it had a copy of the transcript of the Petitioner's Third Trial; and, in fact, denied it had a copy of the transcript it had indicated it had in its letter to the Petitioner of June 27, 2018.

270. The Petitioner received a letter from the Attorney General, to the Petitioner, dated January 25, 2019, and referred the Petitioner to the Circuit Court for Cecil County, Maryland; the Maryland State Archives; and the State's Attorney for Cecil County.

271. A copy of the letter from the Attorney General, to the Petitioner, dated January 25, 2019, is attached hereto as Exhibit C, and is hereby incorporated by reference as if fully set forth herein.

272. The Petitioner questions the accuracy and veracity of any statements by the Attorney General concerning the existence and location of any transcripts and documents in the above matter.

2.
Attorney General
Consumer Protection Division

273. The Petitioner requested transcripts from the Consumer Protection Division of the Attorney General.

274. The Petitioner received a letter from the Consumer Protect Division of the Attorney General, to the Petitioner, dated November 22, 2017, indicating they had no transcripts or documents in the above matter, and, referred the Petitioner to the Circuit Court for Cecil County, Maryland.

275. The Petitioner received a copy of the letter from the Attorney General, to the Petitioner, dated November 22, 2017, is attached hereto as Exhibit G, and is hereby incorporated by reference as if fully set forth herein,

3.
Office of the Public Defender
Appellate Division

276. The Petitioner requested transcripts from the Appellate Division of the Office of the Public Defender.

277. The Petitioner received a letter from the Office of the Public Defender, Appellate Division, to the Petitioner, dated November 3, 2017, indicating they had no transcripts or other documents, and referred the Petitioner to the Attorney General.

278. A copy of the letter from the Office of the

Public Defender, Appellate Division, to the Petitioner, dated November 3, 2017, is attached hereto as Exhibit H. and is hereby incorporated by reference as if fully set forth herein.

4.
Maryland State Archives

279. The Petitioner requested transcripts from the Maryland State Archives.

280. The Petitioner received a letter from the Maryland State Archives, to the Petitioner, dated January 25, 2019, indicating they had no transcripts or documents in the above matter

281. A copy of the letter from the Maryland State Archives, to the Petitioner, dated February 5, 2019, is attached hereto as Exhibit D, and is hereby incorporated by reference as if fully set forth herein.

5.
The Circuit Court
For Cecil County, Maryland

282. The Petitioner requested transcripts from the Circuit Court for Cecil County, Maryland.

283. The Petitioner received a notice from the Circuit Court for Cecil County, Maryland, to the Petitioner, dated December 8, 2017, indicating the Docket Entries is the only document the Court had to send.

284. A copy of the notice From the Circuit Court for Cecil County, Maryland, to the Petitioner, dated December 8, 2017, is attached hereto as Exhibit I, and is hereby incorporated by reference as if fully set forth herein.

6.
Carol Beresh
Court Reporter for Cecil County, Maryland

285. The Petitioner requested transcripts from the Carol Beresh, Court Reporter for the Circuit Court for Cecil County, Maryland.

286. The Petitioner received a letter from Carol Beresh, Court Reporter for the Circuit Court for Cecil County, Maryland, to the Petitioner, dated October 24, 2017, indicating she could provide no assistance in obtaining transcripts.

287. A copy of the letter from the Carol Beresh, to the Petitioner, dated October 24, 2017, is attached hereto as Exhibit J, and is hereby incorporated by reference as if fully set forth herein.

7.
Conclusion

288. The above referenced recent efforts did not produce any transcripts or documents from the Petitioner's First Trial, Second Trial, or Violation of Probation Hearing.

APPENDIX M

[LETTERHEAD OF THE MARYLAND ATTORNEY
GENERAL CONSUMER PROTECTION DIVISION]

November 22, 2017

Mr. Hugh Baldwin
26740 Mallard Road
Chestertown, MD 21620

Re: Public Information Act Request

Dear Mr. Baldwin:

The Office of the Attorney General has received your request for trial transcripts, a copy of the briefs filed and a copy of the Court of Special Appeals decision in the matter of State of Maryland v. Hugh H. Baldwin, Jr. Unfortunately, the Office of the Attorney General is not in possession of these documents. You would need to request these documents from the individuals courts in which these matters were held.

Sincerely,

/s/
Karen S. Straughn
PIA Coordinator

APPENDIX N

[LETTERHEAD OF THE MARYLAND
ATTORNEY GENERAL]

June 27, 2018

Mr. Hugh Baldwin
26740 Mallard Road
Chestertown, MD 21620

RE: Cecil County Case No. 4608, CSA No.
 160-1990 MPIA Request for Case
 Documents

Dear Mr. Baldwin:

Enclosed are the transcripts, appellate briefs, and the appellate opinion related to your November of 1982 trial. Also enclosed is a court order from November of 1978, which may be the court order your are seeking to obtain.

At the time I last wrote to you, it was my understanding that we did not possess these documents. However, based on your last letter to this office, another review was conducted, and the documents were located. Apparently, there was some confusion in our records as to whether this was a Cecil County case or a Talbot County case. Regardless, I appreciate you bringing this error to our attention, and I apologize for the error and the resulting delay in

providing the materials.

If you have additional questions or concerns regarding documentation related to your case, please feel free to contact the Criminal Appeals Division or Ombudsman Lisa Kershner:

Public Access Ombudsman
c/o Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202

Yours truly,

/s/
Edward J. Kelley
Assistant Attorney General
Criminal Appeals Division

Enclosures

CC: Lisa Kershner, Esquire
File

APPENDIX O

IN THE APPELLATE COURT OF MARYLAND

**HUGH HARTMAN
BALDWIN,
Appellant,**

v.

**STATE OF MARYLAND.
Appellee.**

**September Term 2021
No. 1084**

MOTION FOR CORRECTED MANDATE

The State of Maryland, Respondent, by its attorneys, Anthony G. Brown, Attorney General of Maryland, and Benjamin A. Harris, Assistant Attorney General, moves, pursuant to Maryland Rule 8-431, for a corrected mandate as to the county of origin in the above-referenced case.

1. On August 11, 2022. this Court issued its mandate in the above-referenced case. Costs were assessed to Appellant for payment.

2. The mandate, however, lists Cecil County as the county of origin of the case. Due to pre-trial publicity, the case was removed on July 28, 1978, to Cecil County. It appears there was some confusion arising

out of the fact that the petition for coram nobis was filed in Cecil County but handled by an attorney in the Talbot County's State's Attorney's Office.

3. Wherefore, the State respectfully requests that a corrected mandate be issued to reflect that the county of origin of the case is Talbot County and not Cecil County.

Respectfully submitted,

ANTHONY G. BROWN
Attorney General of Maryland

/s/ Benjamin A. Harris
BENJAMIN A. HARRIS
Assistant Attorney General
CPF No. 9512120345

Criminal Appeals Division
200 Saint Paul Place
Baltimore, MD 21202
(410) 576-6422
bharris@oag.state.md. us

Counsel for Respondent

IN THE APPELLATE COURT OF MARYLAND

**HUGH HARTMAN
BALDWIN,
Appellant,**

v.

**STATE OF MARYLAND.
Appellee.**

**September Term 2021
No. 1084**

ORDER

Upon the foregoing Motion for Corrected Mandate as to Costs, it is this ____ day of _____, 2023, by the Court of Appeals of Maryland,

ORDERED that the motion is granted; and it is

FURTHER ORDERED that a corrected mandate shall issue reflecting that the county of origin of the case is Talbot County and not Cecil County.

Gregory Wells
Chief Judge

APPENDIX P

Journal of Chemical Information and Modeling

Enumeration of 166 Billion Organic Small Molecules in the Chemical Universe Database GDB-17

Lars Ruddigkeit,[†] Ruud van Deursen,[‡] Lorenz C. Blum,[†] and Jean-Louis Reymond^{*†}

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ABSTRACT: Drug molecules consist of a few tens of atoms connected by covalent bonds. How many such molecules are possible in total and what is their structure? This question is of pressing interest in medicinal chemistry to help solve the problems of drug potency, selectivity, and toxicity and reduce attrition rates by pointing to new molecular series. To better define the unknown chemical space, we have enumerated 166.4 billion molecules of up to 17 atoms of C, N, O, S, and halogens forming the chemical universe database GDB-17, covering a size range containing many drugs and typical for lead compounds. GDB-17 contains millions of isomers of known drugs, including analogs with high shape similarity to the parent drug. Compared to known

molecules in PubChem, GDB-17 molecules are much richer in nonaromatic heterocycles, quaternary centers, and stereoisomers, densely populate the third dimension in shape space, and represent many more scaffold types. [graphic omitted]

■ INTRODUCTION [endnotes omitted]

The cumulated efforts of synthetic chemistry over the last century has produced over 60 million compounds as collected by Chemical Abstracts Service. Since the implementation of combinatorial and parallel synthesis by academic and industrial drug discovery, the number of druglike small molecules (organic compounds of intermediate polarity with $\text{MW} \leq 500$ Da) has increased even further. The combined corporate, academic, and commercial collections worldwide probably total over 100 million different small molecules. Despite these impressive numbers, it has become increasingly difficult to develop new small molecule drugs, largely due to lack of efficacy, side effects, and toxicity issues. *De novo* drug design may help to address this problem by investigating even much larger numbers of yet unknown molecules by virtual screening in search of innovative structures that might exhibit improved selectivity and ADMET profiles.

The majority of *de novo* drug design methods generate molecules within genetic algorithms that optimize a desired property such as a docking score by evolving a molecule population through breeding and mutation cycles. In most cases these algorithms generate new molecules by recombining known

building blocks with known reactions, which severely limits their innovative potential. To circumvent this limitation, we recently approached the direct enumeration of chemical space by extending an approach to *de novo* design pioneered by Cayley, the inventor of graph theory, to count acyclic hydrocarbons and later used in computer assisted structure elucidation. The idea is to enumerate molecules from first principles starting from mathematical graphs irrespective of pre-existing building blocks to avoid a historical bias in structure selection. Geometrical strain and functional group stability criteria are used to ensure that the molecules produced are chemically meaningful. By this method we obtained the chemical universe database GDB-11 enumerating 26.4 million different molecules up to 11 atoms of C, N, O, and F (110.9 million molecules when including stereoisomers). The number increased to almost 1 billion (not counting stereoisomers) for GDB-13 listing all molecules up to 13 atoms of C, N, O, Cl, and S. Both databases were later shown to be useful sources of molecular diversity to discover new receptor ligands by virtual screening, synthesis, and testing.

While GDB-11 and GDB-13 uncovered impressive numbers of possible molecules, the databases only addressed very small organic molecules (MW < 200 Da), which are of interest as relatively small fragments but rarely correspond to actual drugs. Herein we report the enumeration of organic molecules up to 17 atoms of C, N, O, S, and halogens, forming the chemical universe database GDB-17 containing 166.4 billion organic molecules. GDB-17 reaches into molecular sizes compatible with many drugs (367

approved drugs \leq 17 atoms) and typical for lead compounds ($100 < \text{MW} < 350$ Da). Millions of isomers of known drugs are readily identified in GDB-17. While molecules

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APPENDIX Q

West's Annotated Code of Maryland
Maryland Rules
Title 15. Other Special Proceedings
Chapter 1200. Coram Nobis

MD Rules, Rule 15-1202
RULE 15-1202. PETITION

Currentness

(a) Filing; Caption. An action for a writ of error *coram nobis* is commenced by the filing of a petition in the court where the conviction took place. The caption of the petition shall state the case number of the criminal action to which the petition relates. If practicable, the petition shall be filed in the criminal action.

Committee note: For the authority of the District Court to issue a writ of error *coram nobis*, see Code, Courts Article, § 1-609. See Rule 1-301 (a) for captioning and titling requirements of court papers.

(b) Content.

(1) The petition shall include:

(A) the identity of the petitioner as the person subject to the judgment and sentence;

(B) the place and date of trial, the offense for which

the petitioner was convicted, and the sentence imposed;

(C) a statement of all previous proceedings, including appeals, motions for new trial, post conviction petitions, and previous petitions for writ of error *coram nobis*, and the results of those proceedings;

(D) the facts that would have resulted in the entry of a different judgment and the allegations of error upon which the petition is based;

(E) a statement that the allegations of error have not been waived; Cross reference: See *Holmes v. State*, 401 Md. 429 (2007).

(F) the significant collateral consequences that resulted from the challenged conviction;

(G) the unavailability of appeal, post conviction relief, or other remedies; and

(H) a demand for relief.

(2) The petition may include a concise argument with citation to relevant authority.

(c) Attachments. The petitioner shall attach to the petition all relevant portions of the transcript or explain why the petitioner is unable to do so.

(d) Service. The petitioner shall serve a copy of the petition and any attachments on the State's Attorney

pursuant to Rule 1-321 (a).

(e) Amendment. Amendment of the petition shall be freely allowed when justice so permits.

Source: This Rule is new.

Credits

[Adopted Nov. 8, 2005, eff. Jan. 1, 2006. Amended Sept. 10, 2009, eff. Oct. 1, 2009.]

MD Rules, Rule 15-1202, MD R SPEC P Rule 15-1202 Current with amendments received through February 1, 2024. Some sections may be more current, see credits for details.

APPENDIX R

Statutes Text

Article - Public Safety

§3-101.

(a) In this title the following words have the meanings indicated.

(b) "Administratively charged" means that a police officer has been formally accused of misconduct in an administrative proceeding.

(c) "Disciplinary matrix" means a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct.

(d) "Exonerated" means that a police officer acted in accordance with the law and agency policy.

(e) "Law enforcement agency" has the meaning stated in § 3-201 of this title.

(f) "Not administratively charged" means that a determination has been made not to administratively charge a police officer in connection with alleged misconduct.

(g) "Police misconduct" means a pattern, a practice, or conduct by a police officer or law enforcement

agency that includes:

(1) depriving persons of rights protected by the constitution or laws of the State or the United States;

(2) a violation of a criminal statute; and

(3) a violation of law enforcement agency standards and policies.

(h) "Police officer" has the meaning stated in § 3-201 of this title.

(i) "Serious physical injury" has the meaning stated in § 3-201 of the Criminal Law Article.

(j) "Superior governmental authority" means the governing body that oversees a law enforcement agency.

(k) "Unfounded" means that the allegations against a police officer are not supported by fact.

APPENDIX S

Md. Crim. Causes. 4-263

As amended through May 8, 2023

Rule 4-263 – Discovery in Circuit Court

(a) Applicability. This Rule governs discovery and inspection in a circuit court.

Committee note: This Rule also governs discovery in actions transferred from District Court to circuit court upon a jury trial demand made in accordance with Rule 4-301(b) (1) (A). See Rule 4-301(c).

(b) Definitions. In this Rule, the following definitions apply:

(1) *Defense.* "Defense" means an attorney for the defendant or a defendant who is acting without an attorney.

(2) *Defense Witness.* "Defense witness" means a witness whom the defense intends to call at a hearing or at trial.

(3) *Oral Statement.* "Oral statement of a person" means the substance of a statement of any kind by that person, whether or not reflected in an existing writing or recording.

(4) *Provide.* Unless otherwise agreed by the parties

or required by Rule or order of court "provide information or material means (A) to send or deliver it by mail, e-mail, [illegible] transmission, or hand-delivery, or (B) to make the information or material available at a

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parties. The parties shall file with the court a statement of their agreement.

(2) *If No Agreement.* In the absence of an agreement, the party generating the discovery material shall (A) serve on the other party copies of all written discovery material, together with a list of discovery materials in other forms and a statement of the time and place when these materials may be inspected, copied, and photographed, and (B) promptly file with the court a notice that (i) reasonably identifies the information provided and (ii) states the date and manner of service. On request, the party generating the discovery material shall make the original available for inspection and copying by the other party.

(3) Requests, Motions, and Responses to Be Filed With the Court. Requests for discovery, motions for discovery, motions to compel discovery, and any responses to the requests or motions shall be filed with the court.

(4) *Discovery Material Not to Be Filed With the Court.* Except as otherwise provided in these Rules

or by order of court, discovery material shall not be filed with the court. This section does not preclude the use of discovery material at trial or as an exhibit to support or oppose a motion.

(l) Retention. The party generating discovery material shall retain the original until the earlier of the expiration of (i) any sentence imposed on the defendant or (ii) the retention period that the material would have been retained under the applicable records retention and disposal schedule had the material been filed with the court.

(m) Protective Orders.

(1) Generally. On motion of a party, a person from whom discovery is sought, or a person named or depicted in an item sought to be discovered, the court, for good cause shown, may order that specified disclosures be denied or restricted in any manner that justice requires.

(2) *In Camera* Proceedings. On request of party, or a person from whom discovery is sought, or a person named or depicted in an item sought to be discovered, the court may permit any showing of cause for denial or restriction of disclosures to be made *in camera* [illegible] shall be made of both in court and *in camera* proceedings. Upon the entry of an order

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