No.

IN THE
Supreme Court of the United States

CHRISTOPHER KLEIN, SUPERINTENDENT, *et al.*,
Petitioners,

v.

CHARLES BRANDON MARTIN,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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JULY 2025 * Counsel of Record

QUESTION PRESENTED

The Antiterrorism and Effective Death Penalty Act (AEDPA) establishes a "highly deferential standard for evaluating state-court rulings, which demands that state-court decisions be given the benefit of the doubt." *Woodford v. Visciotti*, 537 U.S. 19, 24 (2002) (citation and quotation marks omitted). In this case, a Maryland appellate court rejected respondent's postconviction claim that the State suppressed evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), holding that there was not a reasonable probability that the result of his trial would have been different had the suppressed evidence been timely disclosed to the defense considering the strength of other evidence establishing his guilt. A divided panel of the Fourth Circuit concluded that although the state court correctly articulated applicable federal law, the state court's application of that law was unreasonable because its written analysis of the evidence was, in the Forth Circuit's view, insufficiently "nuanced" and "exhaustive[]." App. 23a, 26a (citation omitted). The question presented is:

Did the Fourth Circuit violate AEDPA's deferential standard by overturning a state-court decision based on the supposed lack of "nuance" and "exhaustiveness" in the court's written opinion, rather than the reasonableness of its legal conclusion?

PARTIES TO THE PROCEEDING

The petitioners are Christopher Klein, Superintendent of the Department of Detention Facilities for Anne Arundel County,* and Anthony G. Brown, Attorney General of Maryland. The respondent is Charles Brandon Martin, who is currently under Superintendent Klein's supervision.

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* In the proceedings in the Fourth Circuit, Jeffrey Nines, Acting Warden of the North Branch Correctional Institution, was listed as respondent Charles Brandon Martin's custodian. Per the habeas writ subsequently issued by the district court, Mr. Martin was released from custody but was rearrested on the underlying indictment. On or about March 21, 2025, the state court placed Mr. Martin on no-bond home detention. Mr. Martin is currently being supervised by the Department of Detention Facilities for Anne Arundel County. His current custodian is therefore the Superintendent of that agency, Christopher Klein.

RELATED PROCEEDINGS

Circuit Court for Anne Arundel County, Maryland:

State v. Martin, No. 02-K-09-000831 (judgment of conviction entered Dec. 21, 2010)

Court of Special Appeals of Maryland:

Martin v. State, No. 2413, Sept. Term, 2010 (opinion issued on direct appeal July 30, 2014; mandate issued Aug. 29, 2014)

Court of Appeals of Maryland:

Martin v. State, Pet. No. 425, Sept. Term, 2014 (cert. denied on direct appeal Nov. 20, 2014)

Supreme Court of the United States:

Martin v. Maryland, No. 14-9202 (cert. denied on direct appeal May 4, 2015)

Circuit Court for Anne Arundel County, Maryland:

Martin v. State, No. 02-K-09-000831 (state petition for postconviction relief granted in part Oct. 5, 2018)

Court of Special Appeals of Maryland:

State v. Martin, ALA No. 2595, Sept. Term, 2018 (granting application for leave to appeal Feb. 8, 2019)

Martin v. State, ALA No. 2744, Sept. Term, 2018 (granting application for leave to appeal Feb. 8, 2019)

State v. Martin, Nos. 3207 & 3209, Sept. Term, 2018 (opinion issued on postconviction review Sept. 20, 2019; mandate issued Nov. 25, 2019)

RELATED PROCEEDINGS—Continued

Court of Appeals of Maryland:

Martin v. State, Pet. No. 357, Sept. Term, 2019 (cert. denied on postconviction review Jan. 24, 2020)

Supreme Court of the United States:

Martin v. Maryland, No. 19-8326 (cert. denied on postconviction review June 1, 2020)

United States District Court (D. Md.):

Martin v. Nines, et al., No. 20-cv-02602 (final order entered Jan. 30, 2024)

United States Court of Appeals (4th Cir.):

Martin v. Nines, et al., No. 24-6086 (judgment entered Jan. 16, 2025; rehearing en banc denied Feb. 11, 2025)

Martin v. Nines, et al., No. 24-6093 (administratively closed Feb. 5, 2024)

Supreme Court of the United States:

Nines, et al. v. Martin, No. 24A1048 (application to extend time to file cert. petition granted May 1, 2025)

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STATUTES

Petitioners, Christopher Klein, Superintendent of the Department of Detention Facilities for Anne Arundel County, and Anthony G. Brown, Attorney General of Maryland, respectfully request that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

The opinion of the Fourth Circuit, App. 1a-44a, is unpublished but available at 2025 WL 215521. The court's order denying rehearing en banc, App. 243a, is unpublished. The opinion of the district court, App. 45a-90a, is unpublished but available at 2023 WL 8650294.

The opinion of the Court of Special Appeals of Maryland[1] affirming Mr. Martin's judgment of conviction on direct appeal, App. 188a-242a, is reported at 218 Md. App. 1 (2014). The order of the Court of Appeals of Maryland denying certiorari review on direct appeal is reported at 440 Md. 463 (2014) (table). The order of this Court denying certiorari review on direct appeal is reported at 575 U.S. 1004 (2015).

The opinion of the state postconviction court granting relief, App. 146a-187a, is unreported. The opinion of the Court of Special Appeals of Maryland reversing the grant of state postconviction relief, App. 93a-145a, is unreported but available at 2019 WL

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[1] In 2022, an amendment to the state constitution changed the name of the Court of Appeals of Maryland to the "Supreme Court of Maryland" and changed the name of the Court of Special Appeals of Maryland to the "Appellate Court of Maryland."

4567473. The orders of the Court of Appeals of Maryland and of this Court denying certiorari review of that decision are reported at 466 Md. 554 (2020) (table), and 140 S. Ct. 2836 (2020), respectively.

JURISDICTION

The Fourth Circuit entered its judgment on January 16, 2025, and it denied petitioners' timely petition for rehearing en banc on February 11, 2025. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

Section 2254 of Title 28 of the United States Code, as amended by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), provides in relevant part:

> (d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—
>
> > (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
> >
> > (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

INTRODUCTION

Under *Harrington v. Richter*, a state court's decision is entitled to deference under AEDPA unless it "was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement." 562 U.S. 86, 103 (2011). That formidable deference applies to the decision of the state court, not its reasoning. *Id.* at 98 (stating that a habeas petitioner must show there was "no reasonable basis for the state court to deny relief . . . whether or not the state court reveals [its reasoning]"); *see also* 28 U.S.C. § 2254(d)(2) (focusing on the "the adjudication of [a] claim" that "resulted in a decision").

Here, a panel of the Fourth Circuit flouted AEDPA's requirement of deference by demanding a "nuanced" and "exhaustive" written analysis from the state court and then conducting its own de novo review when the state court's reasoning proved insufficiently detailed for the federal court's satisfaction. The panel majority's decision reflects a fundamental misunderstanding of AEDPA's role. Federal habeas review is "'a guard against extreme malfunctions in the state criminal justice systems,' not a substitute for ordinary error correction through appeal." *Richter*, 562 U.S. at 102-03 (citation omitted). By requiring state courts to articulate their reasoning with federal-court-approved thoroughness, the court of appeals has transformed AEDPA review from an assessment of reasonableness into an opinion-grading exercise—precisely what this Court forbids. *Johnson v. Williams*, 568 U.S. 289, 300 (2013) ("[F]ederal courts have no authority to impose mandatory

opinion-writing standards on state courts. . . ."). The decision warrants summary reversal.

STATEMENT

This case arises out of Charles Brandon Martin's conviction for the attempted murder of his then-girlfriend, Jodi Torok, who was shot in her apartment after refusing Martin's demand that she have an abortion. The State's theory centered on a makeshift gun silencer fashioned from a Gatorade bottle found at the crime scene, which the prosecution argued Mr. Martin helped construct. In support of this theory, the State presented testimony from Sheri Carter, another former girlfriend of Mr. Martin's, who claimed she observed Mr. Martin researching silencers on the internet using a work laptop weeks before the shooting. The dispute in this Court concerns Mr. Martin's claim, under *Brady v. Maryland*, 373 U.S. 83 (1963), that the State had suppressed a report showing that police examined a laptop that fit Ms. Carter's description but found no evidence of silencer research—indeed, the computer had not been used since 2005, three years before the shooting.

Evidence Presented at Trial

Mr. Martin was charged in the Circuit Court for Anne Arundel County, Maryland, with attempted first-degree murder, solicitation of murder, and related offenses in connection with Ms. Torok's shooting. App. 189a. At trial, the state presented a compelling case demonstrating Mr. Martin's guilt as an accessory before the fact, including: (1) testimony establishing his motive and opportunity to attempt killing the victim; (2) suspicious text messages he

sent on the day of the shooting that showed that he had contacted the victim in an apparent attempt to verify that she would be home that day; (3) Mr. Martin's ownership of the type of weapon used in the shooting; (4) eyewitness testimony about his participation in the construction of the Gatorade-bottle silencer that was found at the crime scene; (5) DNA linking him to the bottle silencer; (6) eyewitness testimony establishing that several hours after the shooting, he instructed someone to dispose of a paper bag that likely contained the missing weapon used to shoot the victim; and (7) Mr. Martin's incredible statement to the police in which he attempted to distance himself from the victim and set up an alibi that was contradicted by witness testimony.

1. *Evidence of Mr. Martin's Motive*

Ms. Torok testified at trial that she had been in a romantic relationship with Mr. Martin for approximately one year. App. 250a-251a. Several weeks before the shooting, she told Mr. Martin that she was pregnant and that she believed he was the father. App. 251a, 264a. Upon hearing this, Mr. Martin became angry and asked her to get an abortion. App. 251a-252a.[2] Ms. Torok ultimately declined and told Mr. Martin that she "was going to go to court and take him for child support." App. 252a-253a. If Ms. Torok

[2] Ms. Torok was also in a relationship with another man, Emmanuel Quartey, when she became pregnant. App. 256a-257a. She admitted that Mr. Quartey "[c]ould have been" the father of her child, but she believed that it was Mr. Martin's child. App. 256a-257a. Ms. Torok and Mr. Quartey never discussed her having an abortion, and he offered to take care of the child if it were his. App. 261a, 284a.

proceeded with that course of action, Mr. Martin's wife and other girlfriends likely would all learn of his infidelity, and indeed, at one point, Ms. Torok told Mr. Martin that she "was going to tell his wife or baby mama." App. 254a.[3]

2. *Mr. Martin's Text Messages to Ms. Torok on the Day of the Shooting*

At trial, the State presented several text messages that were exchanged between Ms. Torok and Mr. Martin's cell phone to show that Mr. Martin had contacted Ms. Torok to confirm that she would be home that day. App. 4a. On the morning of the shooting, at 8:23 a.m., Ms. Torok received a text message from Mr. Martin's number that read: "What time do [you] work[?]" App. 198a. Moments later, Ms. Torok responded: "I'm off." App. 4a, 198a. At 9:29 a.m., Ms. Torok messaged Mr. Martin: "Hello." App. 4a, 198a. At 5:11 p.m.—approximately two hours *after* Ms. Torok had been shot—Ms. Torok's phone received another message from Mr. Martin's number that said: "I got some stuff with the kids to about 7 so any time after[. H]ow much did you need[?]" App. 198a. At trial, the State contended that Martin had sent this text message to support his alibi. App. 416a.

3. *The Shooting*

On the day of the shooting, at around 3:00 p.m., Ms. Torok was at home at her apartment in Crofton,

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[3] At the time, Mr. Martin was married to another woman and was also dating Sheri Carter and Margaret "Maggie" McFadden. App. 4a.

Maryland, and was on the phone with her friend Blair Wolfe when she heard a knock at her door. App. 269a. Ms. Torok said that it was "a salesman," told Ms. Wolfe that she would call her "right back," and hung up the phone. App. 269.[4]

Ms. Wolfe later called Ms. Torok's housemate, Jessica Higgs, who was at work, and told her what happened. App. 269a-271a. Concerned, Ms. Higgs drove home. App. 271a. The front door was unlocked, and she found Ms. Torok on the floor just inside the door with a gunshot wound to her head. App. 271a-272a. Ms. Higgs called 911, and when paramedics arrived, they transported Ms. Torok to a hospital in Baltimore. App. 192a, 272a. She survived, but her "pregnancy was terminated, and she suffered severe and disabling injuries." App. 192a-193a.

An officer who was dispatched to the crime scene observed no signs of forcible entry or other disturbance of property in the home. App. 192a. The police found a cartridge casing and a projectile lying on the floor near the front door. App. 3a. A firearms expert testified that both were .380 caliber and could have been fired from a semi-automatic gun made by one of sixteen manufacturers. App. 195a. Records from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives indicated that Mr. Martin owned a .380 caliber handgun that could have fired the bullet recovered from Ms. Torok's apartment. App. 114a,

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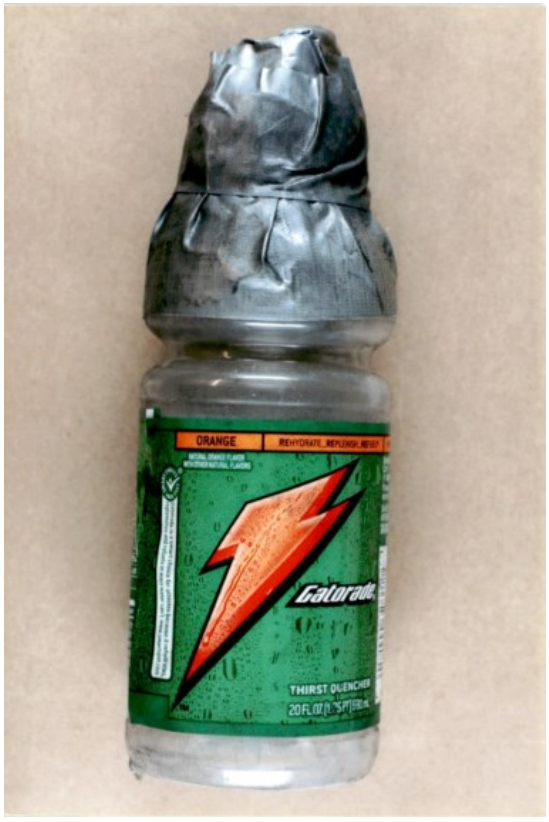
[4] Ms. Torok recalled speaking to Ms. Wolfe on the phone, but she recalled nothing after the phone call. App. 255a, 259a.

195a-196a. The firearm used in the shooting was never recovered. App. 196a.

4. *The Gatorade Bottle Silencer*

The police also found a peculiar Gatorade bottle on the floor of Ms. Torok's apartment several feet from where she was shot. App. 36a. At trial, the State introduced the Gatorade bottle itself into evidence so that the jury could observe its physical characteristics. App. 38a. The State also presented several photographs of the bottle:



App. 442a.

App. 445a.

App. 444a.

Sergeant Richard Alban inspected the bottle and observed that there was tape wrapped around its mouth that was formed into a "rectangular" shape that resembled the muzzle of a semi-automatic firearm. App. 292a-293a, 406a-407a. When asked what the Gatorade bottle reminded him of, he recalled a movie in which Steven Seagal attached a plastic bottle "to the end of a weapon[,] and he fired a projectile through it . . . to deaden the noise of . . . his weapon being fired." App. 294a. He added, "I also saw stuff on YouTube where they show you how to make silencers out of plastic bottles and other items." App. 294a-295a.

Detective Michael Regan also inspected the Gatorade bottle and observed that it was wrapped in tape, there was "a black soot material inside of the bottle," and it had "a small hole near the bottom." App. 310a-311a. He testified that, through his training and experience as a police officer, he knew

what burnt marijuana smelled like, but when he examined the Gatorade bottle, he did not smell the odor of burnt marijuana. App. 311a-315a. Craig Robinson, a police evidence coordinator, similarly testified that he handled the bottle but observed no "signs or evidence of controlled dangerous substances with respect to the Gatorade bottle." App. 306a, 309a.[5]

In closing argument, the prosecutor asked the jury to inspect the bottle and observe that the "small projectile hole" in its "hard" bottom "pokes out, not in," and thus, "[w]hatever caused that hole . . . came from the inside of the bottle, not the outside." App. 407a. And in rebuttal, the prosecutor pointed out the improbability of the defense's theory that the bottle was perhaps a "smoking device," considering that the hole in its bottom was "made from the bottom going out," it "certain[ly] look[ed] like a bullet hole," and it was unlikely that someone would have "jam[med]" a long, thin object "through the top of the bottle" to tear open that hole from the inside. App. 434a.

Ms. Torok and Ms. Higgs both testified that neither had left that bottle on the floor of their apartment. App. 259a-260a, 275a-277a.

5. *The Testimony of Michael Bradley*

Around the time of the shooting, Mr. Martin was also dating Maggie McFadden. App. 7a. She lived together with her brothers, Michael Bradley and

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[5] The bottle was not forensically tested for marijuana or gunshot residue. App. 7a.

Frank Bradley, along with others, at a house in Waldorf, Maryland. App. 7a, 66a.

Michael Bradley testified that he had seen Mr. Martin with a handgun at Ms. McFadden's house. App. 333a, 371a.

Michael Bradley also recalled that on the day of the shooting, Ms. McFadden went to work in the early morning. App. 334a. Mr. Martin, Michael Bradley, Frank Bradley, and Jerold "Jerry" Burks were present in Ms. McFadden's house around noon. App. 335a-336a. Mr. Martin and Mr. Burks sat in the kitchen and began smoking marijuana "blunts." App. 337a. Michael Bradley "testified that he saw (1) Frank [Bradley] take white medical tape to the kitchen, (2) Martin and Frank [Bradley] go upstairs to McFadden's room, and (3) Frank [Bradley] come down to retrieve a Gatorade bottle from the kitchen and return upstairs." App. 8a, 337a-338a.

Mr. Martin and Mr. Burks left Ms. McFadden's house together between 1:30 and 2:00 p.m. App. 339a, which was about an hour before the shooting. Mr. Martin and Mr. Burks returned to Ms. McFadden's home together later that afternoon. App. 39a, 339a-341a. Mr. Martin handed a brown paper bag to Frank Bradley and told him to "get rid of" it. App. 353a.[6] Ms.

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[6] "The State's theory was that Burks was the shooter and that he had been solicited by Martin. Burks was tried separately, six months before Martin's trial, on charges that included attempted first- and second-degree murder and conspiracy to commit murder" but was acquitted on all counts. App. 194a-195a.

McFadden returned home between 6:30 and 6:45 p.m. App. 344a.[7]

6. *The Forensic Evidence Linking Mr. Martin to the Gatorade Bottle*

Sarah Chenoweth, a forensic chemist, testified that the mouth of the Gatorade bottle was tested for nuclear DNA, and a mixture was found that contained DNA from "'at least three individuals,' including at least one male and one female." App. 6a (record citation omitted). She concluded that Mr. Martin's profile was within the four percent of the African-American population that could not be excluded as a contributor. App. 193a-194a. She also could not rule out Ms. Torok as a contributor. App. 6a. She was able to rule out Frank Bradley, Mr. Burks, and others as contributors. App. 68a. "However, the DNA was not compared to that of alternative suspects suggested by the Defense, including Sheri Carter, Emmanuel

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[7] On cross-examination, Michael Bradley "admitted that he received immunity from prosecution for Torok's shooting in exchange for his testimony. Further, [he] received a benefit to his pending obstruction of justice charges in New Jersey, though it is unclear if [he] realized that he received any benefit." App. 8a (record citation omitted). Michael Bradley clarified that it was not necessarily his criminal charges that prompted him to cooperate, but rather, Ms. McFadden "had asked [him] to talk to them because he was threatening" her. App. 356a. Michael Bradley added: "she told me to tell them everything and what happened because she was involved. She says that they brought her here[,] and he was threatening [her]." App. 357a. Although Michael Bradley did not clarify who "he" was—i.e., the man who was threatening Ms. McFadden—the prosecutor asked the jury to draw the inference that he was referring to Mr. Martin. App. 433a.

Quarte[]y, Maggie McFadden, or Michael Bradley." App. 6a.

David Exline, a forensic analyst, testified that he examined the medical tape that was wrapped around the mouth of the Gatorade bottle and discovered human hair on the tape. App. 5a. He concluded that the tape removed from the bottle was consistent with a roll of tape recovered from Ms. McFadden's residence. App. 5a, 113a-114a.

Dr. Terry Melton testified that mitochondrial DNA from the hair that was stuck to the tape on the bottle "matched" Mr. Martin's profile, meaning that Mr. Martin and his maternal relatives could not be excluded as the source of that hair. App. 113a.[8] She explained that Mr. Martin "was in the 0.06 percent of North Americans who could have left that hair." App. 113a (citation and quotation marks omitted).

7. *Mr. Martin's Statement to the Police*

Mr. Martin provided a statement to the police the day after the shooting. App. 196a. During the interview, Mr. Martin attempted to distance himself from Ms. Torok. 196a. He claimed that he did not know Ms. Torok's last name or where she lived, even though he admitted having visited her home. App. 196a. He also claimed that they "hadn't had any contact." App. 197a (citation and quotation marks omitted). He told the police that he doubted that he was the father of Ms.

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[8] "Dr. Melton explained that mitochondrial DNA can show that someone is from the same maternal lineage, but it 'can never say for sure this hair absolutely for sure came from this person.'" App. 5a-6a (record citation omitted).

Torok's child but also claimed to have offered her money. App. 196a-197a. Mr. Martin admitted that he visited Michael and Frank Bradley at approximately 1:00 p.m. on the day of the shooting, but he claimed (contrary to Michael Bradley's testimony) that he stayed with them until approximately 4:30 p.m. and then went home. App. 197a.

8. *The Testimony of Sheri Carter*

Sheri Carter testified that she also had been in a relationship with Martin for several years. App. 9a. During that time, Mr. Martin kept a computer at her apartment. App. 9a.

Ms. Carter recalled that in September or October 2008, when Mr. Martin was at her apartment, she saw him "looking up gun silencers" on a computer from Mr. Martin's former employment. App. 377a-378a. She added, "we didn't have administrative rights so you couldn't make any changes to the computer because we didn't have the password log in." App. 378a. She testified that Mr. Martin "got rid of" the computer because, according to Mr. Martin, they "had looked up so many crazy things on the internet that in case [her] apartment got searched he didn't want it found there." App. 378a-379a.

Ms. Carter also recalled that several weeks before the shooting, Mr. Martin took a pair of "plastic surgical gloves" from her apartment because "he was going [to] kill something." App. 391a-392a. She also noted that throughout their relationship, Mr. Martin kept the same phone number, but in November 2008, after the shooting, Mr. Martin changed his phone number. App. 382a.

Ms. Carter learned of the shooting and Mr. Martin's relationships with other women when Ms. McFadden spontaneously called her, and they went to a bar together. App. 382a-383a, 387a. During that outing, Ms. McFadden's demeanor vacillated between "volatile and friendly." App. 384a. She told Ms. Carter that she had a gun for "protection because she didn't know what [Ms. Carter] was like." App. 384a. She told Ms. Carter that she "liked to beat people up" (including Mr. Martin) and "knew how to take care of it" if "people got in her way." App. 384a. She also "said that she'd had someone shot at one point," and that person was "shot in the head." App. 385a, 398a.[9]

The Verdict and Sentencing

Mr. Martin was charged in the Circuit Court for Anne Arundel County, Maryland, with attempted first-degree murder, solicitation of murder, and related offenses. App. 189a. At his jury trial, after the close of evidence, the trial court instructed the jury that it could consider Mr. Martin's removal of the computer from Ms. Carter's house as concealment of evidence that showed consciousness of guilt. App. 13a.

The jury found Mr. Martin guilty of attempted first-degree murder but acquitted him of solicitation. App. 189a. All other charges were ultimately either

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[9] Ms. McFadden initially was cooperative with the police, and the State uncovered no evidence that she was involved in the shooting of Ms. Torok. App. 318a-322a, 427a. Ms. McFadden became upset when the police visited her place of employment, however, and she became progressively less cooperative thereafter. App. 320a-324a.

dismissed by the prosecution or merged for sentencing within the charge of attempted first-degree murder. App. 189a. Mr. Martin was sentenced to life imprisonment. App. 13a.

State Postconviction Proceedings

Mr. Martin petitioned the state courts for postconviction relief. He alleged, among other things, that the prosecution had committed a *Brady* violation in failing to disclose a computer analysis report before trial. App. 14a. That report indicated that the police had in their custody a laptop that belonged to Mr. Martin's prior employer, the College of Southern Maryland (CSM), and thus "appear[ed] to be the same laptop that the State argued that Martin had taken from the house of . . . Sheri Carter, to conceal evidence of his wrongdoing." App. 149a.

That report indicated that the police had examined two laptops and three desktop computers that were seized from Mr. Martin's home. App. 103a. "One of the computers was a 'CSM laptop,' which [Mr. Martin] testified at the [state] postconviction hearing he received while working at the College of Southern Maryland." App. 103a. An examination of that computer revealed that "the computer had last been shut down in 2005," i.e., more than three years before the shooting. App. 103a. The computer analysis report indicated that "a detective had run keyword searches on the laptop"—including the words: "Handgun," "Gatorade," "silencer," and "Homemade silencer"—but found nothing of "investigative value." App. 104a. The State therefore conceded that the report was *Brady* material that it should have disclosed. App. 109a.

The state postconviction court found, among other things, that the State's failure to turn over the computer analysis report constituted a *Brady* violation, and it awarded Mr. Martin a new trial. App. 149a-161a, 187a.

The State appealed, and the Court of Special Appeals of Maryland reversed. App. 94a-95a. As discussed in more detail below, the state appellate court held that although the computer analysis report had been suppressed and was favorable to the defense—because it could have been used to impeach Ms. Carter and "totally discredit [her] testimony linking [Mr. Martin] to the silencer/Gatorade bottle"—it was not material because the other evidence against Mr. Martin was so strong. App. 107a-116a.

Federal Habeas Proceedings

In 2020, Mr. Martin filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the District of Maryland. He raised, among other things, the *Brady* claim regarding the computer analysis report. App. 16a-17a. The district court concluded that "[r]easonable jurists would not disagree . . . that the suppressed computer forensic report was material," and the Maryland appellate court was objectively unreasonable in holding otherwise. App. 75a, 82a.[10]

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[10] The district court denied Mr. Martin's other claims. App. 17a.

Accordingly, it awarded Mr. Martin a new trial. App. 90a-92a.

Petitioners appealed. A divided panel of the Fourth Circuit affirmed. Judge Gregory, writing for the majority, concluded that the state appellate court's decision was "an unreasonable application of clearly established Supreme Court precedent," namely, *Kyles v. Whitley*, 514 U.S. 419 (1995). App. 23a, 26a. The panel majority conceded that the state court correctly articulated the *Brady* materiality standard, App. 21a, and the state court properly assumed for purposes of its analysis that defense counsel would have been "able to use the Computer Analysis to totally discredit Ms. Carter's testimony linking appellee to the silencer/Gatorade bottle," App. 111a-112a. The panel majority nevertheless claimed that the state court failed to "exhaustively examine[] the suppressed evidence." App. 23a (quoting *Boss v. Pierce*, 263 F.3d 734, 745 (7th Cir. 2001)). Because, in the panel majority's view, the state court failed to provide a sufficiently "nuanced analysis of the impact of the suppressed evidence on both sides of the case," the majority concluded that the state court's "actual analysis goes to the sufficiency of the evidence, an approach that *Kyles* squarely rejected." App. 22a, 26a. Then, after reweighing the evidence and conducting its own *Brady* materiality analysis, the majority decided that "no reasonable jurist could conclude that the suppression of the forensic computer report was immaterial." App. 26a-33a.

Judge Niemeyer dissented. In his view, the state appellate court "reasonably concluded that Martin failed to establish" *Brady* materiality. App. 44a. He

criticized the majority for "conducting a de novo review of the evidence and making findings—rather than assessing whether the state court decision resulted from an 'extreme malfunction' of the state judicial system such that all 'fairminded jurists' would agree 'that the state court's decision conflicted' with Supreme Court precedents." App. 40a (quoting *Harrington v. Richter*, 562 U.S. 86, 102 (2011)). He concluded that the majority had "simply not honored [the AEDPA] restrictions, as it has conducted a re-analysis of some of the facts, ignored others, and never deferred to those reasonably considered by the state court." App. 43a. The state court "acknowledged that the undisclosed forensic report should have been disclosed to enable Martin to attempt to impeach Carter's testimony" but "concluded that the *Brady* violation was not material," which Judge Niemeyer found to be "a reasoned conclusion." App. 43a. "Yet, in a decision defying the established standards and bereft of judicial humility," he wrote, the majority erroneously concluded that "no reasonable jurist could conclude that the suppression of the forensic computer report was immaterial." App. 44a.

Petitioners timely filed a petition for rehearing en banc. On February 11, 2025, the court of appeals denied the petition. App. 243a.[11]

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[11] After the Fourth Circuit denied rehearing en banc, the district court's conditional writ of habeas corpus, which had been stayed pending appeal, took effect. In accordance with the writ, Mr. Martin's convictions were vacated in the state trial court, he was released from custody and rearrested, and a retrial was scheduled. Claiming double jeopardy, Mr. Martin filed a motion to dismiss, which the state trial court denied. As permitted by

REASONS FOR GRANTING THE PETITION

"The federal habeas scheme . . . authorizes federal-court intervention only when a state-court decision is objectively unreasonable." *Woodford v. Visciotti*, 537 U.S. 19, 27 (2002). This Court has said that a federal habeas court's "readiness to attribute error" to a state court's decision "is inconsistent with the presumption that state courts know and follow the law" and "incompatible with § 2254(d)'s highly deferential standard for evaluating state-court rulings." *Id.* at 24 (citations and quotation marks omitted).

Here, the state court correctly articulated and reasonably applied this Court's precedent. Its application of the *Brady* materiality prong was sensible and reasoned, far removed from AEDPA's "objectively unreasonable" threshold. Still, the panel majority opted to reject the state court's decision and supplant it with its own analysis. The Court should grant the petition and summarily reverse.

Maryland law, Mr. Martin appealed that interlocutory ruling, and the state trial court stayed retrial proceedings pending his appeal. The district court likewise stayed any further effect of its conditional writ pending Mr. Martin's state-court appeal. That appeal is now pending in the Appellate Court of Maryland. As Mr. Martin has not yet been retried pursuant to the conditional writ, whether he is entitled to the writ remains a live issue. *Calderon v. Moore*, 518 U.S. 149, 149-51 (1996) (holding that grant of new trial in state court pursuant to federal court's conditional writ of habeas corpus did not render challenge to the writ moot because "[w]hile the administrative machinery necessary for a new trial has been set in motion, that trial has not yet even begun," and "a decision in the State's favor would release it from the burden of the new trial itself").

A. AEDPA Requires Deference to the State Court's Decision.

AEDPA prohibits a federal court from granting habeas relief unless, among other things, the state-court decision under review involves "an unreasonable application of" this Court's holdings. 28 U.S.C. § 2254(d)(2). Under that standard, "a state prisoner must show that the state court's ruling on the claim being presented in federal court was so lacking in justification that there was an error well understood and comprehended in existing [Supreme Court holdings] beyond any possibility for fairminded disagreement." *Richter*, 562 U.S. at 103; *see also Mays v. Hines*, 592 U.S. 385, 392 (2021) ("All that mattered was whether the *Tennessee court*, notwithstanding its substantial latitude to reasonably determine that a defendant has not [shown prejudice], still managed to blunder so badly that every fairminded jurist would disagree." (citation and quotation marks omitted)). When a court applies § 2254(d), the state-court decision must be "given the benefit of the doubt." *Visciotti*, 537 U.S. at 24.

This deferential standard is "formidable." *Burt v. Titlow*, 571 U.S. 12, 19 (2013). "[T]he most important point is that an *unreasonable* application of federal law is different from an *incorrect* application of federal law." *Williams v. Taylor*, 529 U.S. 362, 410 (2000); *see also Lockyer v. Andrade*, 538 U.S. 63, 75 (2003) ("The 'unreasonable application' clause requires the state court decision to be more than incorrect or erroneous."); *Schriro v. Landrigan*, 550 U.S. 465, 473 (2007) (explaining that the "objectively

unreasonable" standard is "a substantially higher threshold" than mere error).

"If [the AEDPA] standard is difficult to meet—and it is—that is because it was meant to be." *Titlow*, 571 U.S. at 19 (citation and quotation marks omitted). Federal habeas review "is a guard against extreme malfunctions in the state criminal justice systems, not a substitute for ordinary error correction through appeal." *Richter*, 562 U.S. at 102-03 (citation and quotation marks omitted) (emphasis added). The federal judiciary should "not lightly conclude that a State's criminal justice system has experienced the extreme malfunction for which federal habeas relief is the remedy." *Titlow*, 571 U.S. at 20 (citation, quotation marks, and brackets omitted). "Adherence to these principles serves important interests of federalism and comity." *Woods v. Donald*, 575 U.S. 312, 316 (2015).

B. The State Court's Decision Was Not Objectively Unreasonable.

The decision of the Court of Special Appeals of Maryland was not objectively unreasonable. The court detailed the case's factual and procedural history and then set forth the *Brady* standard. As to the *Brady* materiality prong, it wrote that "[e]vidence is considered material if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." App. 110a (citations and quotation marks omitted). This was a correct recitation of the *Brady* materiality standard, as the Fourth Circuit panel majority

acknowledged. App. 21a ("The state appellate court began by correctly summarizing the relevant Supreme Court precedent on materiality.").

The state court then concluded that Mr. Martin's claim failed on the materiality prong. In reaching that conclusion, it used the parties' agreed-upon framing of how to analyze materiality:

> The parties assert that, in the situation where evidence that could have been used to impeach a witness is suppressed, the proper analysis is to assume that the jury would have discredited the witness'[s] testimony and consider the other evidence to determine whether there is a reasonable probability of a different outcome. We agree. . . .
>
> Based upon our review of the record, we agree with the State that the Computer Analysis was not material. Even if defense counsel had been able to use the Computer Analysis to *totally discredit Ms. Carter's testimony* linking [Mr. Martin] to the silencer/Gatorade bottle, there was strong evidence of [Mr. Martin]'s guilt.
>
> As the [state postconviction court] noted, the evidence connecting [Mr. Martin] to the silencer/Gatorade bottle was a key component of the State's case. There was substantial evidence making that connection, however, even without Ms. Carter's testimony.

App. 111a-112a (emphasis added) (footnote omitted).

The state court then cataloged the evidence, beyond Ms. Carter's testimony that connected Mr.

Martin to the Gatorade-bottle silencer (and thus established his complicity as an accessory in the shooting):

(1) the "DNA evidence linking [him] to the Gatorade bottle";

(2) Michael Bradley's testimony indicating that Mr. Martin and Frank Bradley constructed the bottle silencer in Ms. McFadden's home shortly before the shooting;

(3) the evidence that Mr. Martin owned a .380 caliber handgun, which, although never recovered, was of the same type that could have fired the bullet and cartridge case found at the crime scene;

(4) Michael Bradley's testimony that, "on the day of the crime, when [Mr. Martin] returned to Ms. McFadden's house between 3:00 and 6:30, [Mr. Martin] handed Frank Bradley a brown paper bag, telling Frank Bradley to 'get rid of' it" (suggesting that Mr. Martin had Frank Bradley dispose of the firearm that had been used to shoot the victim);

(5) Mr. Martin's "motive to kill the victim"; and

(6) the text message evidence from which the "jury could infer that [Mr. Martin] was trying to make sure that the victim would be home when the shooter arrived and then texted again as an attempted cover."

App. 112a-115a.

"Given all the evidence connecting [Mr. Martin] to the attempted murder," the state court concluded that Mr. Martin had failed to meet "his burden of showing that, had the Computer Analysis Report been provided to [Mr. Martin], there is a reasonable probability that the result of his trial would have been different." App. 115a. In an accompanying footnote, the court added:

> We agree with [Mr. Martin] that if Ms. Carter's testimony had been discounted, the instruction regarding concealment of evidence may not have been given. That does not, however, change our analysis here, i.e., whether, given all the evidence, excluding Ms. Carter's testimony, there is a reasonable probability that the outcome of the trial would have been different. As indicated, the State presented strong evidence of [Mr. Martin]'s guilt, even excluding Ms. Carter's testimony.

App. 115a.

The state court's decision was sensible, reasoned, and it was entitled to deference under the AEDPA standard.

C. The Fourth Circuit Violated AEDPA by Reversing a Reasonable Decision Based on a Supposed Lack of "Nuance" and "Exhaustiveness" in the State Court's Written Analysis.

To justify its rejection of the state court's decision, the majority asserted that the state court unreasonably applied the *Brady* materiality standard, as explicated by this Court in *Kyles*, because the state

court had "focused on the evidence it considered supportive of the verdict." App. 23a (citation and paragraph break omitted). That is, the panel majority accused the state court of applying a sufficiency-of-the-evidence standard and thereby making "the same error as the dissent in *Kyles*." App. 23a. Relying on its own precedent in *Juniper v. Zook*, 876 F.3d 551 (4th Cir. 2017), as well as a Seventh Circuit decision, the panel majority declared that "*Kyles* requires courts to 'exhaustively examine[] the suppressed evidence as well as the evidence introduced at trial.'" App. 23a (quoting *Boss*, 263 F.3d at 745). From this, it concluded that "[c]learly established Supreme Court precedent requires a nuanced analysis of the impact of the suppressed evidence on both sides of the case," which, in its view, the state court had failed to conduct. App. 24a-26a.

The panel majority's analysis prompted Judge Niemeyer to assert, in dissent, that the panel majority had "simply not honored [AEDPA's] restrictions." App. 43a. He did so with good reason, for the panel majority's decision contravenes this Court's precedent on how to conduct a proper *Brady* materiality analysis and, more fundamentally, how to conduct a proper AEDPA analysis. The state court did not misapply the *Brady* standard at all, let alone apply it in a manner that was objectively wrong "beyond any possibility for fairminded disagreement." *Richter*, 562 U.S. at 103.

1. *The State Court Did Not Apply a Sufficiency-of-the-Evidence Standard.*

There is no dispute that *Brady* materiality "is not a sufficiency of evidence test." *Kyles*, 514 U.S. at 434.

Rather, "the question is whether 'the favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict.'" *Strickler v. Greene*, 527 U.S. 263, 290 (1999) (quoting *Kyles*, 514 U.S. at 435). A court concluding that "the remaining evidence is *sufficient* to support the jury's conclusions" has not conducted a proper *Brady* materiality analysis. *Id.* at 290 (emphasis added). That is, the standard is not whether "after discounting the inculpatory evidence in light of the undisclosed evidence, *there would not have been enough left to convict*." *Kyles*, 514 U.S. at 434-35 (emphasis added).

But the state court here did not rest its ruling on a conclusion that, after Ms. Carter's testimony was discounted, the remaining evidence was *sufficient* to support the jury's verdicts or that there was *enough* to convict after the impact of the suppressed evidence was considered. Rather, consistent with the parties' own framing of the materiality question, App. 111a, the state court expressly held that even if the computer analysis report had been timely disclosed and Mr. Martin had been able to use it to "totally discredit" Ms. Carter's testimony linking him to the bottle silencer, the other evidence of Mr. Martin's guilt was not merely sufficient, but was so "strong" that there was no "reasonable probability that the result of his trial would have been different." App. 112a, 115a.

That assessment was consistent with the analysis that this Court has prescribed. Indeed, this Court has stated that "evidence impeaching an eyewitness may not be material if the State's other evidence is strong

enough to sustain confidence in the verdict." *Smith v. Cain*, 565 U.S. 73, 76 (2012); *see also Strickler*, 527 U.S. at 293 (holding that impeachment evidence was not material where there was "considerable" other evidence "linking petitioner to the crime").

2. *AEDPA Requires Deference to a Reasonable State-Court Decision, not an Appraisal of the Thoroughness of the State Court's Written Analysis.*

Even so, rather than assessing whether the state court's conclusion was reasonable, the panel majority focused its attention on the thoroughness of the state court's opinion, criticizing it for not providing a "*nuanced* analysis of the impact of the suppressed evidence on both sides of the case." App. 26a (emphasis added). *Kyles* does suggest that, in applying the *Brady* materiality prong, a reviewing court should consider whether "the favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict." *Kyles*, 514 U.S. at 435. But the Fourth Circuit assumed that the state court did not undertake that analysis, simply because it did not expressly address every facet of the case in its written opinion.

That assumption, and the Fourth Circuit's ultimate decision to affirm the grant of habeas relief, violated AEDPA. Even if the state court's written opinion could have benefitted from additional exposition, that does not mean that its *decision* was an objectively unreasonable application of *Kyles*. Indeed, this Court's precedent bars a federal court from prescribing what the state court "should have

included [in its] analysis," or conditioning AEDPA deference on whether the state court's analysis is sufficiently "nuanced" and "exhaustive[]." App. 23a-24a, 26a (citation omitted). As this Court emphasized in *Johnson v. Williams*, 568 U.S. 289 (2013), although "it is preferable for an appellate court in a criminal case to list all of the arguments that the court recognizes as having been properly presented, federal courts have no authority to impose mandatory opinion-writing standards on state courts." *Id.* at 300 (citation omitted); *see Miller-El v. Cockrell*, 537 U.S. 322, 347 (2003) ("We adhere to the proposition that a state court need not make detailed findings addressing all the evidence before it."); *Coleman v. Thompson*, 501 U.S. 722, 739 (1991) ("[W]e have no power to tell state courts how they must write their opinions. We . . . will not impose on state courts the responsibility for using particular language in every case in which a state prisoner presents a federal claim . . . ."); *see also Davis v. Smith*, 145 S. Ct. 93, 96 (2025) (Thomas, J., dissenting from the denial of cert.) ("The panel majority also erred by critiquing the Ohio court's opinion-writing style rather than its judgment."); *Lafler v. Cooper*, 566 U.S. 156, 183 (2012) (Scalia, J., dissenting) ("The state court's analysis was admittedly not a model of clarity, but federal habeas corpus is a 'guard against extreme malfunctions in the state criminal justice systems,' not a license to penalize a state court for its opinion-writing technique." (citing *Richter*, 562 U.S. at 102)).

At the same time, this Court has made clear that, in assessing whether a state court's decision was "objectively unreasonable," a federal habeas court must consider even those factual and legal rationales

that the state court did not expressly articulate. In *Hines*, this Court stressed that "a federal court must carefully consider *all the reasons and evidence supporting the state court's decision*," because "there is no way to hold that a decision was 'lacking in justification' without identifying—let alone rebutting—all of the justifications." 592 U.S. at 391-92 (emphasis added) (quoting *Richter*, 562 U.S. at 103). "Any other approach," the Court added, "would allow a federal court to essentially evaluat[e] the merits *de novo* by omitting inconvenient details from its analysis." *Id.* (citation and quotation marks omitted).

This Court has frequently put this principle into practice. In *Dunn v. Reeves*, 594 U.S. 731 (2021), for example, the Court addressed whether an "Alabama court violate[d] clearly established federal law when it rejected Reeves' claim that his attorneys should have hired an expert." *Id.* at 738-39. It stated that because Reeves declined to call his attorneys to testify in support of his claim, "the Alabama court was entitled to reject Reeves' claim if trial counsel had any 'possible reaso[n] . . . for proceeding as they did.'" *Id.* at 741 (quoting *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011) (brackets and ellipsis in *Reeves*)). And in that vein, the Court identified various "possible reason[s]" that the state court had not expressed. *Id.* at 737, 740-41; *see also Woods v. Etherton*, 578 U.S. 113, 118-19 (2016) (suggesting what "a fairminded jurist could conclude" from the record); *White v. Wheeler*, 577 U.S. 73, 79 (2015) (same); *Titlow*, 571 U.S. at 22 (reviewing "the record as a whole" to "conclude that the Sixth Circuit improperly set aside a reasonable state-court determinatio[n] of fact in favor of its own debatable

interpretation of the record" (citation and quotation marks omitted)).

A state court is not required to exhaustively show its work to withstand AEDPA review. To the contrary, the panel majority here was required to give the state court the benefit of the doubt that it properly assessed *Brady* materiality, and it was required to defer to the state court's *decision*—including any rational *justifications* for its decision supported by the record—unless manifestly incorrect beyond all fairminded disagreement. *Visciotti*, 537 U.S. at 24; *Richter*, 562 U.S. at 102-03. The state court's bottom-line conclusion—that there was not a reasonable probability that the result of Mr. Martin's trial would have been different had the suppressed evidence been timely disclosed to the defense, given the strength of other evidence establishing his guilt—was supported by the record and reasonable. The state court's decision was not an objectively unreasonable application of *Kyles* merely because it did not write in its opinion that any theoretical impact the suppressed evidence may have had on Mr. Martin's trial defenses was inconsequential. In failing to afford AEDPA deference to the state court's decision, the panel majority's decision contravened this Court's pronouncements regarding AEDPA review.

3. *The Panel Majority's De Novo Analysis Reveals the Possibility of Fairminded Disagreement.*

If anything, the panel majority's reanalysis of the evidence underscores the need for deference here by highlighting that the possibility of fairminded disagreement exists. In *Kyles*, the Court made clear that

"[i]n assessing the significance of the evidence withheld, one must of course bear in mind that not every item of the State's case would have been directly undercut if the *Brady* evidence had been disclosed." 514 U.S. at 451. The panel majority did not heed that warning—instead, it surmised that Ms. Carter's impeachment would have weakened the State's case and bolstered Mr. Martin's defenses in multiple areas, no matter how tenuous the connection to her testimony.

First, the panel majority suggested that impeaching Ms. Carter might have "instill[ed] greater belief in the Defense's theory that the Gatorade bottle was a smoking device." App. 24a. But that smoking device theory was thoroughly discredited by the other evidence at trial. The soot-stained, tape-wrapped bottle with a ragged hole punched through the bottom from the inside looked nothing like a smoking device, App. 407a, 434a, 442a-445a; witnesses testified that they examined the bottle and found no odor of marijuana or other evidence of drug use, App. 309a, 314a; and Ms. Torok and her roommate, Ms. Higgs, both testified that neither had left the bottle on the floor of their apartment, App. 259a-260a, 275a-277a; *see also* App. 40a (Niemeyer, J., dissenting) (stating that the panel majority's "own finding" that the Gatorade bottle may have been a smoking device or merely an innocuous bottle was "inconsistent with the evidence"). The state court's decision was not objectively unreasonable simply because it did not articulate why Mr. Martin's smoking-device theory was baseless or why impeaching Ms. Carter's testimony could not have bolstered that baseless theory.

Second, the panel majority declared that impeaching Ms. Carter with the computer analysis report would have "weaken[ed]" Michael Bradley's testimony because he was "an admittedly intoxicated witness with substantial bias concerns and a pending obstruction of justice charge for lying to the police." App. 24a. The panel majority's assessment is unavailing. Impeaching Ms. Carter would not have undermined Michael Bradley's *credibility*. And even without Ms. Carter's testimony, the bottle's use as a silencer would have been obvious, not only from Michael Bradley's testimony indicating Mr. Martin's participation in its construction, but also from its otherwise inexplicable physical characteristics and presence at the scene of the shooting. Again, the state court was not objectively unreasonable in tacitly rejecting any theoretical impact the impeachment of Ms. Carter might have had on Michael Bradley's testimony.

Third, the panel majority asserted that the state court failed to "grapple with how the Prosecution relied on and emphasized Carter's statements and reliability in closing arguments." App. 24a-25a. But the state court wrote in its opinion that it had assumed in its analysis, at both parties' urging, that the suppressed evidence would have "totally discredit[ed]" Ms. Carter's testimony linking him to the bottle silencer. App. 111a-112a. Under that assumption, after Ms. Carter's impeachment, either (a) the prosecution would not have emphasized her discredited testimony in closing argument; or (b) the jury would have given her discredited testimony zero weight, and the prosecutor's emphasis would have been fruitless. Thus, the state court's opinion

accounted for the prosecutor's reliance on that evidence in closing, even if it did not explain how it did so.

Fourth, the panel majority claimed that the state court "entirely discounted the impact of the jury instruction regarding Mr. Martin's concealment of evidence, despite agreeing that it may not have been given but for Carter's unimpeached testimony." App. 25a. The panel majority missed the mark on that point because the state court *did* consider that jury instruction in assessing *Brady* materiality and expressly found it inconsequential. App. 115a. The panel majority disagreed with that facet of the state court's analysis, but mere disagreement with the state court does not amount to AEDPA error. *Williams*, 529 U.S. at 410; *see also Davis v. Ayala*, 576 U.S. 257, 276 (2015) ("The role of a federal habeas court is . . . not to apply *de novo* review of factual findings and to substitute its own opinions for the determination made [by the state courts]."); *Andrade*, 538 U.S. at 75. ("The 'unreasonable application' clause requires the state court decision to be more than incorrect or erroneous." (citation omitted)).

Finally, the panel majority suggested that the state court failed to assess how Ms. Carter's impeachment might have impacted the state's evidence regarding Mr. Martin's motive, namely, Ms. Torok's "admission that her unborn child may have been fathered by Quarte[]y." App. 25a. But the critical point was that Ms. Torok *told* Mr. Martin that she "thought he was" the father, Mr. Martin clearly *believed* that the child was his—because he was "mad" about her pregnancy and insisted that she get an

abortion—and Ms. Torok's stated plan to take him to court for child support and expose his infidelity provided motive to have her killed. App. 228a, 251a-253a, 264a. Ms. Carter's impeachment would have impacted none of this. And, at minimum, it was not unreasonable for the state court to reach that conclusion.

In sum, the panel majority disagreed with the state court's assessment of the evidence, so it supplanted the state court's reasoned decision with its own analysis. As in *Richter*, the panel majority "treated the unreasonableness question as a test of its confidence in the result it would reach under *de novo* review" and it "overlook[ed] arguments that would otherwise justify the state court's result." 562 U.S. at 102. The panel majority's unrestrained assessment of the state court's decision "illustrates a lack of deference to the state court's determination and an improper intervention in state criminal processes, contrary to the purpose and mandate of AEDPA." *Id.* at 104.[12]

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[12] Moreover, the serious error here is not isolated. In two other recent decisions written by the same judge as here, divided Fourth Circuit panels have similarly strayed from AEDPA's limitations on habeas review or from other requirements that a federal court apply only the principles that this Court's precedents clearly establish. *See Sweeney v. Graham*, No. 22-6513, 2025 WL 800452 (4th Cir. Mar. 13, 2025) (granting federal habeas relief notwithstanding AEDPA by purporting to go "beyond our traditional habeas review"), *cert. pending sub nom. Clark v. Sweeney*, No. _____ (cert. petition filed July 7, 2025); *see also Goldey v. Fields*, 606 U.S. ___, No. 24-809, 2025 WL 1787625 (June 30, 2025) (summarily reversing decision that purported to recognize new *Bivens* cause of action).

CONCLUSION

The petition for writ of certiorari should be granted and the judgment of the court of appeals should be summarily reversed.

Respectfully submitted,

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