

26-5492

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED

AUG 19 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Sebastian Albert Campbell — PETITIONER
(Your Name)

vs.

State of Maryland — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Appellate Court of Maryland (formerly Court of Special Appeals)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Sebastian Albert Campbell
(Your Name)

13800 McMullen Hwy. SW
(Address)

Cumberland, MD 21502
(City, State, Zip Code)

ID# 466-146 / 2868574
(Phone Number)

QUESTION(S) PRESENTED

- ① Does the Appellate Court of Maryland's failure to require the trial court's strict adherence to statutory mandates with respect to the consideration of an indigent prisoner's claim of actual innocence, where it also predicates its *de novo* review and denial of relief on specifically articulated findings of fact which are clearly erroneous, resolve to a constitutional due process violation on that prisoner's state-created liberty interest in lawfully establishing his actual innocence.
- ② Does the Appellate Court of Maryland's egregiously untenable ruling denying Petitioner's formidable claim of actual innocence derive directly or proximately from the Maryland judiciary's deliberate perpetuation of its historical, systemic predisposition to disproportionately and unconstitutionally incarcerate African-American citizens, thereby requiring exposure and emendation through this Court to preserve public confidence in an unbiased American system of justice.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

1. State of Maryland

RELATED CASES

Campbell v. Maryland, 592-US 1169. (2021)

Campbell v. State, 243 Md. App. 507, Appellate Court of Maryland. Judgment: 12/18/19

Campbell v. Nixed, No: 1121-cv-8121, District Court of Maryland. Judgment: 7/18/21

Campbell v. State, No.: 1397, Appellate Court of Maryland, Judgment: 9/9/21

Sebastian A.C. v. State, No: 1436, Appellate Court of Maryland. Judgment: 11/19/21

Campbell v. McCally, No.: 328, Sept Term 2023, Appellate Court of Maryland.
Judgment: 7/17/24

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Appellate Court of Maryland court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was Dec. 23, 2025.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date:
March 23, 2026, and a copy of the order denying rehearing appears at Appendix _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including August 20, 2026 (date) on July 15, 2026 (date) in Application No. 26 A 62.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- ① Fourteenth Amendment to the U.S. Constitution
- ② Md. Criminal Procedure § 8-301

STATEMENT OF THE CASE

On May 18, 2011, Petitioner was formally charged with four counts sexually abusing his minor daughter ("T.B.") correlating to four specifically defined assaults, those being the "first" and "last" assaults at 31 Maryland Avenue, and 125 Fallogrove Drive, respectively, all in Rockville, Maryland. T.B. gave excruciatingly detailed testimony at trial describing each charged offense with clarity. The record reflects that on August 21, 2013 T.B. gave birth to a daughter ("P.C."). The prosecution introduced DNA evidence confirming Petitioner's paternity of P.C. to a certainty of 99.99%. However, and inexplicably, the State chose to forgo its unadulterated authority to charge Petitioner with the singular, specific act of sexual abuse that it believed resulted in T.B. becoming pregnant. The indictment; the opening statement; the trial testimony; the closing statement; and, the jury instructions all failed to articulate or suggest in any way that T.B. became pregnant as a result of one of the four charged offenses. Accordingly, the DNA evidence was admitted only in support of an uncharged allegation that Petitioner impregnated T.B. through sexual intercourse, under the umbrella of "other bad acts." The jury did not have the legal authority to return a verdict, of any kind, on this allegation, as it was not directly linked to any of the charged offenses.

Thirty-five days after final judgment in this case T.B. submitted a

letter to Assistant States Attorney ("ASA") Haynes in which she not only fully recanted her trial testimony regarding the charged offenses, she also offered an explanation on the uncharged allegation surrounding her pregnancy. Petitioner filed a motion for new trial based on T.B.'s unequivocal recantation which the judge summarily denied without conducting the mandatory hearing. As a result of this action Petitioner filed a motion to recuse the judge from any further adjudications in this case, as well as a separate civil case alleging unconstitutional bias exceeding her judicial discretion. At the hearing on the motion to recuse, the trial judge agreed to conduct the mandatory hearing, but denied recusal.

On May 18, 2019, a hearing was conducted during which T.B. testified under oath that she willfully lied about all the allegations of sexual abuse at both 31 Maryland Avenue and 725 Fallogrove Drive. She testified that she and Petitioner never resided at or even ventured to either address during the entire period of the charged offenses. T.B. Confirmed, as Petitioner testified at trial, that they were, in fact, living in Washington, DC at the address on P.C.'s birth certificate which the trial judge refused to admit into evidence at trial. Not even the slimmest fragment of direct or circumstantial evidence exists to refute this testimony which conclusively deprives the State of all territorial jurisdiction. T.B. again offered an explanation for her pregnancy that absolved Petitioner of any criminal liability, admitting she inseminated herself with a punctured, used condom and her personal latex dildo. Despite there being no formal charge before the jury directly linked to T.B.'s conception of P.C., the trial judge openly acknowledged her disgust at T.B.'s sworn depiction of how she became pregnant, stating it was "offensive" and unbelievable. Ultimately the trial court determined T.B.'s entire recantation lacked credibility without a shred of opposing evidence beyond T.B.'s initial

trial testimony, which was wholly uncorroborated, and materially contradicted. Moreover, the trial court denied relief almost exclusively on its expressed disbelief of T.B.'s account of her self-indemnation, irrespective of the fact that its veracity, or lack thereof, failed to alter any element of the charged offenses. There is no evidence in the record suggesting the trial court actually analyzed the effects of T.B.'s other and material testimony on the offenses Petitioner was in fact convicted of. The Appellate Court of Maryland ("ACM") affirmed and the Supreme Court of Maryland ("SCM") refused certiorari.

Petitioner subsequently filed a third motion for new trial based on the newly discovered evidence adduced at the May 18, 2019, hearing where T.B. asserted, under oath, that on the second day of trial she informed ASA Haynos that her testimony was not generated from memories of actual events. T.B. testified that the ASA advised her to disregard her faulty recollections and she would lead T.B. through the questions which, the record reflects, is exactly what she did in redirect. Judge McCally denied the motion without a hearing despite the State having declined to offer any challenge whatsoever to T.B.'s sworn accusation which legally resolved to prosecutorial misconduct, as well as Brady and Plouffe violations. The ACM affirmed on the unimaginable grounds of res judicata; and the SCM again refused certiorari.

On June 3, 2024 Petitioner filed a petition for writ of actual innocence containing newly discovered evidence consisting of a sworn, notarized affidavit with embossed seal from Tonie Campbell, T.B.'s paternal grandmother. The information that the newly discovered affidavit conveyed clarified and directly corroborated the statements in T.B.'s recantation; explained why the evidence could not have been obtained sooner; and, critically, conformed to every statutory requirement necessary to trigger the mandatory hearing. Undaunted,

the trial court, for the third time, refused to conduct the mandatory hearing before denying relief. The trial court also clearly violated other mandatory provisions of the actual innocence statute. However, the egregious departure from the accepted and usual course of judicial proceedings was the ACM's determination without explanation that Torie Campbell's affidavit and T.B.'s recantations were, in fact, the SAME EVIDENCE. Therefore, since the recantations were submitted previously, Torie Campbell's affidavit could not qualify as newly discovered. After the SCM declined petitions for certiorari and rehearing, the matter is now properly before this Court for consideration.

REASONS FOR GRANTING THE WRIT

In Maryland, a person convicted of a criminal offense "may at any time, file a petition for writ of actual innocence... if the person CLAIMS that there is newly discovered evidence that... creates a substantial or significant possibility that the result [of the trial] may have been different," and CLAIMS that the evidence "could not have been discovered in time to move for a new trial under Md. Rule 4-331." Md. Crim. Proc. ("CP") § 8-301(a)(1) & (a)(2) (emphasis added). The unambiguous language of the statute requires only compliant CLAIMS, not proof of those claims. CP § 8-301(b) dictates, "A petition filed under this section shall: (1) be in writing; (2) state in detail the grounds on which the petition is based; (3) describe the newly discovered evidence; (4) contain or be accompanied by a request for a hearing if a hearing is sought; and (5) distinguish the newly discovered evidence claimed in the petition from any claims made in prior petitions." Importantly, the petition need only DESCRIBE the new evidence, not attach or submit it for evaluation prior to a hearing.

The statute clearly defines the hearing requirement as "(1) Except as provided in paragraph (2) of this subsection, the court SHALL hold a hearing on a petition filed under this section if the petition satisfies the requirements of subsection (b) of this section and a hearing was requested." CP§8-301(e)(1). The only exception to the hearing requirement explains, "The court may dismiss a petition without a hearing if the court finds that the petition fails to assert grounds on which relief may be granted," making dismissal discretionary, not mandatory, as amendments are allowed. CP§8-301(e)(2). Considering the relative ease of complying with the stipulations of CP§8-301(b) it is evident that the Maryland Legislature intended all but the rarest cases be decided after the court has conducted a hearing. The Supreme Court of Maryland ("SCM") distinctly clarified the atypical circumstances under which the trial court summarily dismiss a petition for writ of actual innocence ("PWA"), stating, if the petition makes claims that require the trial court to "take IMPOSSIBILITIES as truths," then, and apparently only then, "the trial court may dismiss the petition without a hearing." *Douglas v. State*, 423 MD 156, 181 (2011) (emphasis added). However, it "would be error to dismiss the petition merely because the petition itself did not convince the trial court without a hearing." *Id.* Additionally, the statute is unequivocal in its direction, "The court SHALL state the reasons for its ruling on the record." CP§8-301(f)(3). Consequently, in order for the trial court to have properly dismissed Petitioner's PWA, the record in this case would need to reflect both a determination that it is simply IMPOSSIBLE for Petitioner's claims to be true, as well as the "reasons" for that finding. The record is devoid of any such formulation.

The State agreed that the trial court had failed to comply with its statutory obligation to articulate its reasoning, but objected to the Appellate Court of Maryland ("ACM") that the violation was

harmless based on an abstract legal theory found in an ACNM footnote on a civil case stating, "an appellate court can affirm when the record in the case adequately demonstrates that the decision of the trial court was correct, although on a ground not relied upon by the trial court and perhaps not even raised by the parties." *Dynacorp Ltd v. Aramite Ltd*, 208 Md. App. 403, 454 n.4 (2012). Even if it is tenable for an appellate court to ambush a civil litigant with previously unexposed grounds, that posture is far less defensible in the criminal context. Criminal defendants are much more diligently protected by the constitution and, in this case, state law as well. CP88-301 (EX3) granted Petitioner the inflexible right to directly challenge the *vis prius* court's reasoned opinion on direct appeal. As a result, the constitutionally enforced right to procedural due process to vindicate his state-created liberty interest in demonstrating his actual innocence protects his right not to be forced to defend the propriety of a denial for the first time in a petition for writ of certiorari, as Petitioner was compelled to do in this case.

The law states, as defined by this Court, "[Petitioner] does, however, have a liberty interest in demonstrating his innocence with new evidence under state law. [Maryland] law provides that those who [adhere to prescribed guidelines] are entitled to obtain relief from their conviction and sentence." *D.A. Office v. Osborne*, 557 US 52, 68 (2009). "Because state-created liberty interests are entitled to protection of the federal Due Process Clause, full scope of a [prisoner's] due process rights may depend in part on the substantive liberty interests created by state law as well as federal law. Moreover, a State may confer procedural protections of liberty interests that extend beyond those minimally required by the Constitution of the United States. If a State does so, the minimal requirements of the Federal Constitution would not be controlling, and would not need to be identified in order

to determine the legal rights and duties of persons within that State." *Mills v. Rogers*, 457 US 291, 300 (1982). In this case Petitioner was entitled to have his claim of actual innocence reviewed under the established precedents and statutory procedures. The trial court's failure to do so manifest a violation of Petitioner's constitutionally protected right to due process which, contrary to the ACM's ruling, was not harmless.

Beyond the ACM's refusal to require the trial court to adhere to mandatory procedural directives, the appellate court, itself, "transgressed" any recognized principle of fundamental fairness in operation" by ineffectively refusing to evaluate the *de facto* new evidence as it was presented. *Medina v. California*, 506 US 437, 448 (1992). As an appellant, it is reasonable to expect that the reviewing court will evaluate the evidence that was actually introduced in reaching its determination. It is unequivocal that a complete failure to conform to this well-established judicial standard reflects a significant "depart[ure] from the accepted and usual course of judicial proceedings." Sup. Ct. R. 10(a). The ACM's stark divergence from even a rational approach to adjudicating the trial court's denial of Petitioner's actual innocence claims is so conspicuous in the record, an extended discussion about its existence is not required. On page 2 of the ACM's 3-page, per curiam opinion the court recognized the affidavit of Torie Campbell as the newly discovered evidence attached to Petitioner's PWRI. The ACM also acknowledged that the petition asserted the claims necessary to entitle Petitioner to a hearing. *Id.* The trial court failed to indicate that Petitioner's claims would require it to "take impossibilities as truths," *Douglas* at 181, and the ACM ignored this material deficiency.

On page 3 the ACM seems to have completely misconstrued what evidence it was tasked with evaluating. First the court confirms that the "newly discovered evidence" claimed by petitioner "must not have been able to be 'discovered' in time for a new trial." *Id.* Both

the assertions in the petition and the affidavit itself indicate that Torie Campbell had illegally harbored T.B. for nine months, and then transported her across State lines during the period of the alleged offenses, in clear violation of both State and federal laws. Far from being an impossibility, it is almost an absolute certainty that no amount of diligence on Petitioner's part could have persuaded Torie Campbell to relinquish her constitutional protection against self-incrimination and divulge her criminal participation before she was actually willing to do so. As the signed, sworn and notarized affidavit denotes, that willingness did not materialize until April 14, 2021, two years after the expiration of the period to timely file a motion for new trial. There is ~~no~~ evidence indicating the consideration of these consequential facts in the record; anywhere.

What the ACM inexplicably found on the record was, "Here, appellant has already presented the 'newly discovered evidence' specifically 'the victim's recantation of her trial testimony,' in a motion for new trial." *Id.* at pg. 3. It is clear that the ACM transposed the *de facto* "newly discovered evidence," Torie Campbell's affidavit, with T.B.'s previously submitted recantations, as if they are the same, identical **EVIDENCE**, and not that the two distinct pieces of evidence simply contain some similar **INFORMATION**. Petitioner articulated his perception of the factors distinguishing "information" from "evidence" on pages 12-14 of his **PWAT**, and respectfully incorporates those statements as if fully set forth herein. The ACM's error is truly transparent. Obviously two distinct, sworn statements distinguished by content, author, and temporal advent cannot be rationally considered as, "specifically" the **SAME EVIDENCE**. Petitioner humbly asserts that the question before this Court is not simply "what" is wrong with the ACM's ruling. The proper inquiry reaching constitutional magnitude is "how" and "why" such an egregious and prejudicial inaccuracy could be either deliberately or inadvertently overlooked by Maryland's

highest State courts.

Petitioner concedes that he is absolutely terrified he will die in prison serving a sentence for crimes he did not commit. While the State of Maryland has abolished the "instant death" penalty, the equally fatal "slow death" penalty, ironically called "life", is still in full effect in Petitioner's case. This Court has acknowledged that the "concern about the injustice that results from the conviction of an innocent person has long been at the core of our criminal justice system. That concern is reflected, for example, in the fundamental value determination of our society that it is far worse to convict an innocent man than to let a guilty man go free." *Schup v. Del.*, 513 US 298, 325-26 (1995) (quoting *In re Winship*, 397 US 358, 372 (1970)). These values are also manifested through the Maryland Legislature's enacting of statutes and Rules authorizing post conviction claims of actual innocence. However, irrespective of whether this untenable ruling was administered through deliberate bias, or unfathomable incompetence, the ACM's complete failure to properly recognize or adjudicate upon the fundamental elements of what an actual innocence petition comprises, the actual "newly discovered evidence," itself, diametrically opposes both societal values, and the expressed predisposition of this Court.

Further, regardless of intentionality, the immutable fact remains that Maryland is credited with one of the highest per capita overrepresentations of incarcerated African-Americans in the country. This fact statistically and rationally equates to Maryland also being responsible for incarcerating one of the highest percentages of innocent African-Americans in America, and most likely the world. Unfortunately, in this context, Petitioner is, indeed, African-American. Rulings such as the one now before the

Court, which goes directly to the innocence of an African-American and the invalidity of his incarceration, distressingly fails to disallow what should be an absolutely intolerable amount of justifiable speculation as to the existence of unconstitutional racial considerations. If, *arguendo*, the three judges who implemented this decision were white, with Petitioner being an African-American, and reasonable jurists reviewing this matter were informed that the judges may be staunch racists dedicated to maintaining the historical exaggeration of incarcerated African-Americans, the sheer mindlessness of the ADM's ultimate conclusion would prevent any jurist from immediately rejecting such a grievous characterization of those judges as even unlikely. Statistics make it abundantly clear that there is, in fact, SOMETHING. In Maryland there is some underlying, possibly insidious issue, or combination of issues, which have resulted in the highly disproportionate incarceration of African-Americans. Without further exposure and examination, it is impossible for any Court or Legislature to conclusively determine that the Maryland judiciary is not a prominent, or even the sole significant component. Therefore, with the quantifiable totals being what they are, if such rulings are allowed to stand, it can then be reasonably argued that the mass incarceration of African-Americans in Maryland is actually "the plan," and not simply an unintended consequence of some other, uncontrollable factors.

Ultimately, the Court must not only ~~avoid~~ impropriety, it must also ~~avoid~~ the "appearance of impropriety" with equal diligence. (Case law - Petitioner is certain that there is case law to support this point, however, two days ago the Maryland Department of Corrections discontinued prisoner access to LexisNexis[®], effectively decimating Petitioner's capacity to conduct legal research. The action was unwarned and

unexplained. Petitioner prays this Court will ~~grant~~ this writ and appoint counsel so he may supplement his brief with properly fortified arguments and Amicus Curiae offerings on the stated statistics). Where circumstances arise, as they have in this case, that can be rationally suspected as resulting from the ravaging disease of racism, the constitutional antidote must be applied and enforced with extreme prejudice by the only entity in our great country with the capacity to decisively effect the cure; this Court.

CONCLUSION

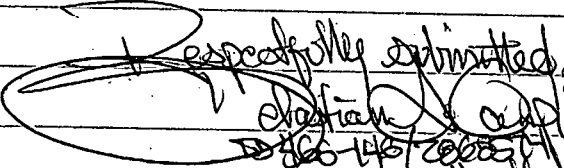
Petitioner humbly requests that this Honorable Court grant this petition for writ of certiorari in the interests of justice.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of August 2026, I did serve a copy of the attached petition by First Class, U.S. Mail with postage prepaid upon: Office of the Attorney General, 200 St. Paul Street, Baltimore, MD 21202.

I solemnly affirm under the penalty of perjury, that the above statements are true and correct upon personal knowledge.

Executed on: August 19, 2026

Respectfully submitted,

Christian Campbell
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Cumberland, MD 21502