

Circuit Court for Montgomery County
Case No. 131730C

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1541

September Term, 2024

SEBASTIAN A. C.

v.

STATE OF MARYLAND

Wells, C.J.,
Friedman,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 13, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Sebastian A. C., appellant, appeals from the denial, by the Circuit Court for Montgomery County, of a petition for writ of actual innocence. For the reasons that follow, we shall affirm the judgment of the circuit court.

We recount some of the pertinent facts from one of our previous opinions in appellant's case:

In 2017, a jury in the Circuit Court for Montgomery County found . . . appellant . . . guilty of two counts of sex abuse of a minor and four counts of second-degree rape. The victim was his biological daughter, who began living with [appellant] in 2012 when she was 11 years old. In August 2013, the victim gave birth to a daughter. DNA evidence presented at trial indicated that [appellant] was the father of the victim's child, a fact [appellant] did not dispute. The court sentenced [appellant] to a total term of 130 years' imprisonment. On direct appeal, this Court affirmed the judgments. *C[.] v. State*, 243 Md. App. 507 (2019).

In 2019, [appellant] – representing himself – filed a motion for a new trial based on the victim's alleged recantation of her trial testimony. . . . On May 8, 2019, the court convened a hearing on the motion for new trial and permitted the victim, who resides in Michigan, to testify via telephone. The victim testified that [appellant] had not sexually abused her and asserted that her trial testimony to the contrary was untruthful. She claimed, instead, that she had impregnated herself with a used condom discarded by [appellant], which she had retrieved from a trash bin.

In a 52-page Opinion and Order, the court denied [appellant's] motion for a new trial finding, among other things, that the victim's recantation testimony was not credible.

C. v. State, No. 1397, Sept. Term 2019 (filed September 9, 2021), slip op. at 1 (footnote omitted).

On appeal, we affirmed the judgment, stating:

[Appellant's] motion centered on the victim's recantation of her trial testimony. A witness's post-trial recantation of testimony, however, is regarded "with the utmost suspicion." *Yonga v. State*, 221 Md. App. 45, 91 (2015), *aff'd*, 446 Md. 183 (2016). Based on a well-reasoned and factually

supported analysis, the circuit court concluded that the victim's recantation testimony was "simply improbable and not credible." The court also concluded that, given the evidence presented at trial, the victim's recantation testimony would not have affected the jury's verdict. We see no reason to disturb those findings. The court, having heard both the victim's trial testimony (including several hours of cross-examination by the self-represented [appellant]) and her recantation testimony at the motions hearing, was in the best position to determine the victim's credibility and assess its weight.

C., No. 1397, Sept. Term 2019, at 4-5.

In June 2024, appellant filed the petition for writ of actual innocence. Appellant attached to the petition a purported "affidavit" of his mother, Tonie C. In the "affidavit," Ms. C., who lives in Michigan and appears to have been living in Michigan at the time of the events that gave rise to the charges against appellant, stated that appellant and the victim "did not spend a single night at [a Montgomery County] residence," the victim told Ms. C. "that she'd gotten drunk and impregnated herself with a dildo and one of her father's used condoms with a hole in the tip," Ms. C. "insisted that [the victim] just concede that [appellant] had raped her," and the victim "completely fabricated every aspect of her experience." Appellant contended that the affidavit constituted newly discovered evidence "indicating first-hand knowledge that the alleged victim . . . did, in fact, present knowingly false testimony at trial," the evidence "could not have been discovered earlier," the evidence "was not known to [appellant] in time to move for a new trial pursuant to Md. Rule 4-331," and the evidence "creates a substantial or significant possibility that if [the] jury had received it during trial, the outcome of the proceedings would have been different."

The court denied the petition without a hearing, stating:

Although the new evidence speaks to [appellant's] innocence, the [c]ourt cannot find that the new evidence could not have been discovered with due diligence in time to request a new trial. Even if the new evidence could not have been discovered with due diligence, the [c]ourt cannot find that the newly discovered evidence creates a substantial or significant possibility that the result of the trial may have been different.

Appellant contends that, for numerous reasons, the court erred in denying the petition. The State concedes that the “court erred by failing to state its reasons for denying [the] petition . . . without a hearing.” *See* Md. Code (2001, 2018 Repl. Vol., 2024 Supp.), § 8-301(f)(3) of the Criminal Procedure Article (“CP”) (“[t]he court shall state the reasons for its ruling on the record”). Nevertheless, the State contends that appellant “was not prejudiced by that error because the evidence upon which his petition was based was not newly discovered.”

We agree with the State. CP § 8-301(a) states that in a petition for writ of actual innocence, the “newly discovered evidence” claimed by the petitioner must not have been able to be “discovered in time to move for a new trial.” Here, appellant has already presented the “newly discovered evidence,” specifically “the victim’s recantation of her trial testimony,” in a motion for new trial. The court reviewed the evidence and expressly concluded that “the victim’s recantation testimony was not credible” and “would not have affected the jury’s verdict.” The evidence is not “newly discovered,” and hence, the court did not err in denying the petition.

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

PETITIONS FOR WRIT OF CERTIORARI

IN THE

SUPREME COURT

OF MARYLAND

September Term, 2025¹

ORDER

It is this 23rd day of December 2025, by the Supreme Court of Maryland,

ORDERED that the following petitions for writ of certiorari are denied:

Pet. No. 277 – Timothy O. Dean v. Woodmore Towne Centre at Glenardon
Homeowners Association

Pet. No. 288 – Marvin Lois Carroll v. Derek Jones, et al.

Pet. No. 291 – Kamita Gray v. Synchrony Bank

Pet. No. 298 – Denneishja Cromwell, et al. v. Joseph L. Henson, Jr.

Pet. No. 306 – In the Matter of Presidential Title LLC

Pet. No. 316 – Safiyya Abdul Bari v. State Employees Credit Union of Md Inc.

Pet. No. 317 – Hesman Tall v. Howard Community College

Pet. No. 318 – In Re: M.M. & A.M.

Pet. No. 320 – Farhad Hejazi v. Caroline Colella

Pet. No. 321 – Wayne B. Adams v. Gelfund 2 Milford Station Pikesville t/a Milford
Station

Pet. No. 322 – Sebastian A. Campbell v. State of Maryland

Pet. No. 324 – Dylan Goodrow Sheehan v. Damali Okera Smith

Pet. No. 325 – Lisa Smith v. Marie Maissen, et al.

¹ All petitions and motions were filed in September Term 2025 unless otherwise indicated.

PETITIONS FOR WRIT OF
CERTIORARI

IN THE
SUPREME COURT
OF MARYLAND

September Term, 2025¹

ORDER

It is this 23rd day of March 2026, by the Supreme Court of Maryland,

ORDERED that the following petitions for writ of certiorari are denied:

Pet. No. 393 – Juliana Mbanusi v. Charlestowne Village Condominium, Inc.

Pet. No. 394 – Cherese Knight v. JP Morgan Chase Bank, N.A.

Pet. No. 417 – Eramosi Oyathelemi v. James Clarke

Pet. No. 418 – Edward Winston, Jr. v. Kenneth Leon Smith

Pet. No. 419 – Jo Antoinette Bell v. Addison Woods Homeowner's
Association, Inc.

Pet. No. 422 – Norbert Pickett, et al. v. Chizorom Wosu

Pet. No. 428 – In the Matter of Betty Anne Davis

Pet. No. 431 – Rabitah Moses v. Alex Vasquez

Pet. No. 432 – In the Matter of Micah Hill

Pet. No. 433 – Denroy Lucien Haines Defreitas v. State of Maryland

Pet. No. 434 – Mark A. Scherer v. David Cunningham

Pet. No. 435 – Deamonte Spencer v. State of Maryland

Pet. No. 437 – Athena McCrary v. Aetna Better Health of Maryland, et al.

Pet. No. 438 – Ahmed R. Rucker v. State of Maryland

¹ All petitions and motions were filed in September Term 2025 unless otherwise indicated.

And it is further

ORDERED that the motions for reconsideration filed in the following matters are denied.

Pet. No. 322 – Sebastian A. Campbell v. State of Maryland

Pet. No. 336 – Francisco Pineda-Barrientos v. State of Maryland

Pet. No. 352 – Robert Hainey, et al. v. Walgreens Co.

Pet. No. 407 – Ramez Ghazzaoui v. Russett Community Association, Inc.

*Motion to Stay Enforcement of Judgment Pending Petition for
Certiorari is denied as moot.*



/s/ Matthew J. Fader

Chief Justice

**Additional material
from this filing is
available in the
Clerk's Office.**