Circuit Court for Cecil County
Case No.: 07-K-15-000470

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 365

September Term, 2024

KING NOBLEMIND MEEK-FREEMAN

v.

STATE OF MARYLAND

Wells, C.J.,
Graeff,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 15, 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.

King Noblemind Meek-Freeman, appellant, appeals from the denial of his petition for writ of actual innocence. For the reasons to be discussed, we shall affirm the judgment.

BACKGROUND

In 2017, following a trial in the Circuit Court for Cecil County, a jury found Meek-Freeman guilty of two counts of first-degree murder and multiple counts of conspiracy. The court sentenced him to a total term of life imprisonment, suspending all but 240 years. On appeal, this Court affirmed the judgment. *Derrick L. Carroll v. State*, 240 Md. App. 629, *cert. denied*, 465 Md. 649 (2019).[1]

We need not recount the evidence presented at trial, as a summary of the facts is contained in our opinion following his direct appeal. As pertinent here, however, we note that Earl and Mary Ann Loomis were murdered in their home following a home invasion. The couple were the grandparents of Meek-Freeman's ex-wife, whom she considered her parents. 240 Md. App. at 635. The Loomis's home was ransacked, and the couple were found deceased – their hands and faces wrapped in duct tape. *Id*. at 640. They died of asphyxia. *Id*. "There were bleach stains on and around their bodies, which had sustained chemical burns." *Id*. Among other items, Mr. Loomis's gun collection was stolen, as well as jewelry Mrs. Loomis collected. *Id*. 641. "Fire extinguisher fluid, bleach, and cleaning products had been sprayed throughout the house, which prevented the police from collecting forensic evidence." *Id*.

[1] It appears that Meek-Freeman subsequently changed his name.

On the night of the home invasion, February 22, 2015, Meek-Freeman and several others had gathered at a friend's trailer for a "tattoo party." *Id*. at 637. London Anderson was present at the party and testified at trial that, the next morning, Meek-Freeman entered the trailer with guns and ammunition and a Chevy S-10 truck was parked outside. *Id*. (Mr. Loomis owned a Chevy S-10 which was missing following the home invasion. *Id*. at 640). Anderson testified that, when he asked Meek-Freeman where he had obtained the guns, Meek-Freeman said that he had "robbed . . . his daughter's grandparents" and had "duct-taped their faces until they couldn't breathe." *Id*. at 637.

A woman, who resided in a trailer adjacent to the trailer where the tattoo party had been held, testified that about 8:30AM on February 23, 2015, she observed a man (whom she identified in court as Meek-Freeman) removing black garbage bags from a pick-up truck (consistent with Mr. Loomis's Chevy S-10) and carrying them into the trailer. *Id*. at 639-40. Items belonging to Mr. and Mrs. Loomis, including a key to their house and a key to Mrs. Loomis's vehicle, were subsequently recovered from a residence in New Jersey where Meek-Freeman was staying and from a trash bag he was observed taking outside that home. *Id*. at 644-45.

In March 2024, Meek-Freeman, representing himself, filed a petition for writ of actual innocence. He alleged, among other things, that he is "100% innocent of all charges[]" and stated that "a lot of things that happen during [his] trial that wasn't fair." Specifically, he claimed that during opening statements the prosecutor related that the police had recovered his "right thumbprint" from the victim's stolen pick-up truck and "during the trial," the prosecutor "presented to the jury an 'article of clothing'" which he

claimed "linked" Meek-Freeman to the crime scene, yet this "black hoody" was "never sent to any lab to be tested and/or analyzed." He further asserted that it was "[r]ecently brought to [his] attention that none of [his] clothing was taken for evidence nor was any shoes taken to be tested or analyzed[]" despite the fact that "[f]ootprints was found in and around the crime scene."

Meek-Freeman also related that a crime scene report "mentions a 'litter box' that 'contents all over floor.'" [Sic.] He then stated: "It has been *newly discovered* that the victims had *multiple cats* that lived in the house with them." He claimed that "[t]hat information was never directly told to" him or his defense counsel. He further stated:

> *Cats* leave trace evidence all around the places they live. That *new information*, paired with the facts that Mr. Meek-Freeman clothes was never seized or no clothing items was sent to the crime lab to be tested and/or analyzed. To have the lead prosecutors represented to the jury that the State had a *"hoody"* that belonged to Mr. Meek-Freeman and that there was in fact "trace evidence" on that hoody that linked him to the murder victims and the crime scene.

He asserted that the failure to inform him of the Loomis's cats "is a Brady violation." He claimed that the presence or absence of "those cats DNA on anything" would constitute "evidence" which "would be inculpatory or exculpatory." In conclusion, he stated that "[b]ased on the newly discovered cat evidence, paired with the prosecutorial misconduct and malicious prosecution[,]" all the "charges" in his case "should be dismissed."

The State filed a response in opposition to the petition, arguing that Meek-Freeman's "allegations are neither properly newly discovered evidence nor a Brady violation" and maintaining that the petition failed to meet the statutory pleading

requirements. On April 4, 2024, a day or two after the State filed its response, the court denied relief.

On April 17, 2024, Meek-Freeman filed a pleading he captioned "Motion To Strike Court Order From April 3, 2024 And Motion To Appoint Counsel Due to Indigence, And/Or Leave Notice To Appeal." In the opening paragraph of that pleading, Meek-Freeman states: "Now comes, Petitioner, . . . with a Motion to strike the Court Order that denied Petitioner's Writ of Actual Innocence issued on April 3, 2024 and a request to appointment of counsel **and/or** notice of Leave to Appeal." (Emphasis added.) He then asserted that the court denied his petition one day after the State filed its opposition, and before he received a copy of it, thus depriving him of a chance to file a reply. He requested that the court strike its order denying relief and, if not, stated he "will be seeking a Appeal in the Appellate Court for Maryland." His pleading was docketed by the circuit court as a notice of appeal. Two days later, he filed a response to the State's opposition to his petition for writ of actual innocence in which he essentially reiterated why he believed that learning that the victims had "multiple cats living in their home at the time of the murders is a material fact unknown" to him or trial counsel. The court noted its receipt, but it took no further action on Meek-Freeman's petition or his motion to strike the order denying it. As noted, Meek-Freeman's pleading was docketed as a notice of appeal, and he makes no complaint in this Court about that action.

THE WRIT OF ACTUAL INNOCENCE

Certain convicted persons may file a petition for a writ of actual innocence based on "newly discovered evidence." *See* Md. Code Ann., Crim. Proc. § 8-301; Md. Rule 4-

332(d)(6). "Actual innocence" means that "the defendant did not commit the crime or offense for which he or she was convicted." *Smallwood v. State*, 451 Md. 290, 313 (2017).

In pertinent part, the statute provides:

> (a) A person charged by indictment or criminal information with a crime triable in circuit court and convicted of that crime may, at any time, file a petition for writ of actual innocence in the circuit court for the county in which the conviction was imposed if the person claims that there is newly discovered evidence that:
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> (1) (i) if the conviction resulted from a trial, creates a substantial or significant possibility that the result may have been different, as that standard has been judicially determined; [and]
>
> ***
>
> (2) could not have been discovered in time to move for a new trial under Maryland Rule 4-331.
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> ***
>
> (g) A petitioner in a proceeding under this section has the burden of proof.

Crim. Proc. § 8-301.

"Thus, to prevail on a petition for writ of innocence, the petitioner must produce evidence that is newly discovered, i.e., evidence that was not known to petitioner at trial." *Smith v. State*, 233 Md. App. 372, 410 (2017). Moreover, "[t]o qualify as 'newly discovered,' evidence must not have been discovered, or been discoverable by the exercise of due diligence," in time to move for a new trial. *Argyrou v. State*, 349 Md. 587, 600-01 (1998) (footnote omitted); *see also* Rule 4-332(d)(6).

"Evidence" in the context of an actual innocence petition means "testimony or an item or thing that is capable of being elicited or introduced and moved into the court record,

so as to be put before the trier of fact at trial." *Hawes v. State*, 216 Md. App. 105, 134 (2014). The requirement that newly discovered evidence "speaks to" the petitioner's actual innocence "ensures that relief under [the statute] is limited to a petitioner who makes a threshold showing that he or she may be actually innocent, 'meaning he or she did not commit the crime.'" *Faulkner v. State*, 468 Md. 418, 460 (2020) (quoting *Smallwood*, 451 Md. at 323).

Whether the newly discovered evidence creates a substantial or significant possibility that the outcome of the trial may have been different involves a "materiality analysis under a standard that falls between 'probable,' which is less demanding than 'beyond a reasonable doubt,' and 'might,' which is less stringent than 'probable.'" *Carver v State*, 482 Md.469, 490 (2022) (cleaned up)(quoting *Faulkner*, 468 Md. at 460). "To meet this standard, the cumulative effect of newly discovered evidence, viewed in the context of the entire record, must undermine confidence in the verdict." *Id*. (cleaned up).

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

DISCUSSION

As best we can discern, on appeal Meek-Freeman complains that the circuit court erred in denying his petition prior to receiving his reply to the State's opposition and in failing to provide reasons for its denial.

The State asserts that the court properly denied the petition because Meek-Freeman's petition failed to state a claim upon which relief could be granted. The State maintains that his petition "does not identify any newly discovered evidence that could not have been discovered in time to move for a new trial . . . , let alone establish that any newly discovered evidence creates a substantial or significant possibility that the result of his trial may have been different." We agree with the State.

Even assuming that it is true that cats resided in the Loomis's home at the time of their murder, and that discovery of that fact qualified as "newly discovered evidence," we fail to see how that information speaks to Meek-Freeman's actual innocence or in any way undermines confidence in the jury's verdict. As we noted in our opinion addressing the issues Meek-Freeman raised on direct appeal, Anderson testified that, the morning after the tattoo party, Meek-Freeman entered the trailer with guns and ammunition and when asked where the items came from, Meek-Freeman replied that he had "robbed . . . his daughter's grandparents" and had "duct-taped their faces until they couldn't breathe." 240 Md. App. at 637. Both Anderson and a neighbor also observed a Chevy S-10, resembling the one missing from the victims' home, parked outside the trailer that morning. *Id*. at 637, 639. In an interview with the police several weeks after the murders, a recording of which was played for the jury, Anderson related that, after returning to the trailer with the guns,

Meek-Freeman started a fire in an outside grill and burned clothing and other items. *Id*. at 638 n 4. It was also established at trial that "[f]ire extinguisher fluid, bleach, and cleaning products had been sprayed throughout the [victims'] house, which prevented the police from collecting forensic evidence." *Id*. at 641.

In short, the discovery that cats resided with Mr. and Mrs. Loomis does not create a substantial or significant possibility that the result of Meek-Freeman's trial may have been different. Given that Meek-Freeman failed to make anything close to a "threshold showing" that he may be actually innocent, the circuit court did not err in denying relief and in doing so without holding a hearing. Any error the court may have made in ruling prior to Meek-Freeman filing a reply to the State's opposition was harmless. In the pleading he filed after the court's ruling addressing the State's opposition to his petition, Meek-Friedman merely reiterated the points he made in his petition.

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