

Circuit Court for Charles County
Case No. C-08-CR-20-000417

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 757

September Term, 2025

MARC CHRISTOPHER BROWN, JR.

v.

STATE OF MARYLAND

Wells, C.J.,
Albright,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 25, 2026

*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.

Marc Christopher Brown, Jr., appellant, appeals from the denial, by the Circuit Court for Charles 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 our most recent opinion in Mr. Brown’s case:

The State charged appellant with various offenses relating to his use of a blowtorch in an attempt to burglarize two separate businesses: Sky Zone (an indoor trampoline park) in September 2019 and Capital Clubhouse (an indoor ice-skating rink) in November 2019. *See Brown v. State*, No. 2315, Sept. Term 2023, 2024 WL 3218653, at *1 (filed June 28, 2024) (unreported) (per curiam) (affirming the denial of appellant’s petition for a writ of actual innocence). In August 2021, a four-day jury trial occurred. Appellant represented himself, and as part of his defense, he argued that one of the detectives lied during her testimony, and that detectives planted and tampered with evidence during their investigation. The jury rejected these arguments, and found him guilty of all counts.

On August 8, 2022, appellant filed a notice of appeal. On June 29, 2023, appellant moved to withdraw the appeal and strike the appearance of his counsel. On July 10[,] 2023, this Court granted appellant’s motions and dismissed the appeal. The mandate issued on July 14, 2023.

* * *

The investigation into the offenses in this case led to appellant’s indictment on multiple[] charges in Case No. C-08-CR-20-000020 (the “-020 Case”), which involved the December 2019 burglary of a bowling alley, as well as multiple other offenses, including home invasion, kidnapping, robbery, and motor vehicle theft. *Brown v. State*, No. 1384, Sept. Term 2021, 2023 WL 3860298, at *1 (filed June 7, 2023) (“*Brown No. 1384*”). Appellant represented himself at trial, and the jury found him guilty of all charges. *Id.* at *2. The court sentenced appellant to an aggregate term of 75 years of imprisonment. *Id.* Appellant filed an appeal in the -020 Case, and this Court affirmed his convictions in an unreported opinion. *Id.* at *7.

* * *

On August 9, 2023, appellant filed a *pro se* petition for a writ of actual innocence in the case at issue in this appeal. *Brown*, 2024 WL 3218653, at *1. In the petition, appellant alleged that law enforcement had tampered with evidence and planted evidence on him. *Id.* In upholding the circuit court’s denial of the petition, this Court stated that appellant “did not point to any evidence to support his bald allegation that the detectives planted evidence on him.” *Id.* at *2. “Moreover, by his own admission in the petition, he had made the same or similar arguments in his trial in [the -020 case] tried in June 2021,” before “his August 2021 trial in this case.” *Id.* Indeed, appellant conceded in his petition that he “had always claimed innocence, even using corruption and tampered evidence as his trial defense.” *Id.* Accordingly, we agreed with the circuit court that appellant failed to produce any “newly discovered evidence” under [S]ection 8-301 of the Maryland Code, Criminal Procedure Article, and Maryland Rule 4-332.

Brown v. State, No. 1253, Sept. Term 2024 (filed September 19, 2025), slip op. at 1-3.

On April 28, 2025, Mr. Brown filed another petition for writ of actual innocence, in which he alleged “newly discovered evidence,” specifically “time-stamped pictures of [Mr. Brown] taken at a time during the incident in the present case’s time, but at a different location, prov[ing that he] couldn’t have committed [the] crime.” Mr. Brown stated:

Upon further obverse-reverse examination of . . . alibi documents, since only an immediate visual inspection of the obverse of said documents was possible as they were weather sealed, the reverse revealed additional timestamped pictures of [Mr. Brown]. These pictures, which were timestamped “NOVEMBER 24, 2019 4:59 AM”, “NOVEMBER 24, 2019 5:05 AM”, “DECEMBER 8, 2019 2:26 AM”, and “DECEMBER 12, 2019 2:47 AM”, cannot be located on any other storage media. As such, they must have been taken during the dates and times listed[.]

The court denied the petition.

Mr. Brown first contends that the court’s denial of the petition was impermissibly “vague . . . as it didn’t give exact reasoning for denial.” We disagree. While Md. Code (2001, 2018 Repl. Vol., 2024 Supp.), § 8-301(f)(3) of the Criminal Procedure Article, requires a court to “state the reasons for its ruling on the record” when it grants a petition

for writ of actual innocence, the statute does not require the court to do so when it denies a petition. Hence, the court did not err in declining to state the reasons for its ruling.

Mr. Brown next contends that, for numerous reasons, the court erred in denying the petition. We disagree. The Supreme Court of Maryland has stated that one who petitions for a writ of actual innocence “must produce newly discovered evidence that: (1) speaks to his or her actual innocence; (2) could not have been discovered in time to move for a new trial under . . . Rule 4-331; and (3) creates a substantial or significant possibility that, if his or her jury had received such evidence, the outcome of his or her trial may have been different.” *Carver v. State*, 482 Md. 469, 489-90 (2022) (internal citations, quotations, and footnote omitted). Here, Mr. Brown did not attach the “time-stamped pictures” to his petition, and hence, failed to produce the evidence. Mr. Brown also did not address in his petition why the evidence creates a substantial or significant possibility that, if his jury had received such evidence, the outcome of his trial may have been different.¹ Hence, the court did not err in denying the petition.

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

¹We further note that Mr. Brown did not explain how pictures taken in November or December of 2019 provide him with an alibi for the attempted burglary of the Sky Zone, which occurred in September 2019.