

Circuit Court for Anne Arundel County
Case No.: C-02-CR-22-001623

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1511

September Term, 2025

SHAUNESI Y. DEBERRY

v.

STATE OF MARYLAND

Arthur,
Shaw,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 24, 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.

A jury in the Circuit Court for Anne Arundel County convicted Appellant Shaunesi Y. DeBerry of second-degree assault. The court later sentenced her to three years’ incarceration, all but time served suspended, followed by three years’ probation. This Court then affirmed her conviction and sentence on direct appeal. *DeBerry v. State*, Nos. 114, 774, & 1526, Sept. Term, 2023 (filed April 4, 2024) (*per curiam*).

DeBerry now appeals from the denial, without a hearing, of her third petition for a writ of actual innocence.¹ We review the denial of a petition for a writ of actual innocence *de novo*. *Smallwood v. State*, 451 Md. 290, 308 (2017).

“[T]o prevail on a petition for writ of [actual] 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). “Evidence” in this context 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).

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* Md. Rule 4-332(d)(6). The newly discovered evidence also must “speak[] to” the petitioner’s actual innocence so “that relief . . . is limited to a petitioner who makes a threshold showing

¹ Also pending before the Court are two Motions for Leave to File *Amicus Curiae* Briefs in Support of Appellant, filed by Marcus D. Snipes, Jr., and Fatima-Bahallah Fisher. Both motions are denied.

that he or she may be actually innocent, meaning he or she did not commit the crime.” *Faulkner v. State*, 468 Md. 418, 459–60 (2020) (cleaned up). A court may deny a petition for a writ of 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) (cleaned up). *See also* Md. Code Ann., Crim Proc. § 8-301(e)(2).

Here, DeBerry’s petition listed three pieces of evidence: (1) an order filed in a separate, administrative action—to which the appellant was a party—on April 25, 2023; (2) alleged campaign activity by the trial and sentencing judge beginning January 21, 2023; and (3) the State’s “Opposition to Victim’s Motion to Postpone,” filed in the circuit court on December 22, 2024.

As the circuit court observed, DeBerry concedes that she knew of the first piece of evidence when it was filed, which was within the one-year time limit to move for a new trial. *See* Md. Rule 4-331(c). Thus, the evidence cannot support a petition for writ of actual innocence. *Argyrou*, 349 Md. at 600–01; *see also* Md. Rule 4-332(d)(6). DeBerry does not present any argument on appeal regarding the other pieces of evidence presented in her petition. This, alone, is reason enough to affirm the circuit court’s judgment. *See* Md. Rule 8-504(a)(6) (requiring a party to set forth, in their principal brief, “[a]rgument in support of the party’s position on each issue”). *See also Van Meter v. State*, 30 Md. App. 406, 408 (1976) (“We cannot be expected to delve through the record to unearth factual support favorable to appellant and then seek out law to sustain his position.”).

Instead, DeBerry presents argument about other pieces of evidence that she claims entitle her to a writ of actual innocence.² None of these items were listed in her petition, however, and we therefore decline to address them. *See* Md. Rule 8-131. Accordingly, because DeBerry failed to allege any “newly discovered evidence” to support her claim of actual innocence, the circuit court did not err in denying her petition without a hearing.

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

² DeBerry also raises various arguments related to grievances she has with assorted administrative and scheduling matters in the circuit court. None of these are relevant to the court’s denial of her petition or render the decision erroneous.