Circuit Court for Prince George's County
Case No. CT-09-1040A

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1714

September Term, 2024

RASHADD ISAAH ALEXIS

v.

STATE OF MARYLAND

Berger,
Shaw,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, Christopher B., J.

Filed: March 25, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In 2012 and after a trial by jury in the Circuit Court for Prince George's County, Rashadd Isaah Alexis was convicted of conspiracy to commit murder and related offenses. He appealed and this Court reversed his convictions and remanded the case for a new trial. *See Alexis v. State*, No. 0510, Sept. Term, 2012 (filed Dec. 27, 2013). In 2016, appellant was retried and subsequently convicted of conspiracy to commit murder. This Court affirmed the conviction. *See Alexis v. State*, No. 2675, Sept. Term, 2016 (filed Oct. 4, 2018).

In 2023, appellant filed a petition for writ of actual innocence in the circuit court. Following a hearing, the court denied the petition. This appeal followed.

In this appeal, appellant presents two questions[1] for our review, which we have consolidated and rephrased as:

> Did the circuit court abuse its discretion in denying appellant's petition for writ of actual innocence?

For the reasons that follow, we affirm the judgment of the circuit court.

[1] Appellant phrased the questions as:

1. Did the Circuit Court err in denying Appellant's Petition for Writ of Actual Innocence based upon the conclusion that Amadu Jalloh's cooperation agreement with the State is not newly discovered evidence?

2. Did the Circuit Court further err in concluding that if the Court were to address the Appellant's argument that had the jury received evidence of Jalloh's sentencing benefits, it would not have created a substantial or significant possibility that the outcome of the trial may have been different?

BACKGROUND

This appeal centers on a cooperation agreement between the State and a witness, Amadu Jalloh, who received a reduced sentence on charges in an unrelated matter in exchange for testifying against appellant at his trial in the instant case. The salient facts are as follows.

The Murder of Raymond Brown

On October 13, 2006, appellant's brother, Jamaal Alexis ("Jamaal"), together with two other individuals, Bobby Ennels and Neiman Marcus Edmonds, stole a motor vehicle Largo, Maryland. During the theft, the vehicle's owner, Raymond Brown, confronted the trio, and, during that confrontation, Jamaal shot and killed Brown. Jamaal, Ennels, and Edmonds were subsequently arrested and charged. Jamaal's trial was scheduled for November 2008. Prior to that trial, Ennels entered into a plea agreement with the State and agreed to testify against Jamaal.

The Murders of Ennels and Anthony Cash

About a month before Jamaal's trial was scheduled to begin, Ennels and two friends — Anthony Cash and Frances Lammons — were together in a vehicle that was parked on a road in Landover, Maryland. At the time, Ennels, the driver, was speaking with someone on his cell phone. A few minutes later, two men approached the vehicle, and Lammons heard Ennels tell the men, "[y]ou all don't have to worry about nothing. I'm not going to say anything." The men then drew guns and shot Ennels, inflicting fatal wounds. Cash and Lammons got out of the vehicle and tried to escape. One of the

shooters chased Lammons and shot her in the elbow, but she managed to get away. Lammons later identified appellant as the man who had chased and shot her.

Officers found Cash in a nearby driveway and suffering from a gunshot wound. Cash was taken to a hospital, where he was pronounced dead.

In responding to the scene following the shooting, a police officer observed two vehicles leaving the scene at a high rate of speed. The officer pursued one of the vehicles and initiated a traffic stop. Appellant was the driver of the vehicle. The officer observed that appellant was extremely nervous and that he had blood on his shirt.

Appellant was arrested. He was charged with the murders of Ennels and Cash, the attempted murder of Lammons, and conspiracy to murder Ennels. The State's theory of the crime was that appellant had targeted Ennels to prevent him from testifying against Jamaal at Jamaal's trial for the murder of Brown. Jamaal was also charged.

The State Makes a Deal with Amadu Jalloh

At some point, the State learned that an inmate, Amadu Jalloh, had information concerning the murder of Ennels. In August 2009, Jalloh pleaded guilty to first-degree assault and disarming a law enforcement officer. At Jalloh's plea hearing, the prosecutor proffered that the "contemplated sentence" was a total term of twenty-five years' imprisonment, with all but ten years suspended. The prosecutor informed the court that, although there was no "formal cooperation agreement," the understanding was that Jalloh would cooperate with the State in the prosecutions of Jamaal and appellant and would testify at their trials. Jalloh confirmed those terms. Sentencing was scheduled for a later date.

Jamaal is Convicted and Sentenced

In October 2010, Jamaal was tried and convicted in both of his pending cases. In the first case, which concerned the killing of Brown, Jamaal was convicted of second-degree murder and robbery with a deadly weapon. In the second case, which pertained to the killing of Ennels, Jamaal was convicted of solicitation to commit the murder of Ennels to prevent him from testifying and solicitation to commit the murder of Ennels as retaliation for the latter's testifying before the grand jury. For all convictions, Jamaal was sentenced to a total of 140 years' imprisonment.

Jalloh is Sentenced

In February 2011, Jalloh returned to court for sentencing. At the sentencing hearing, the prosecutor informed the court that Jalloh had refused to testify at Jamaal's trial. The prosecutor asked the court to sentence Jalloh beyond the terms of the original cooperation agreement, given that Jalloh had failed to testify at Jamaal's trial. The prosecutor added that, if Jalloh were to testify at appellant's upcoming trial, the prosecutor would not oppose a reconsideration of Jalloh's sentence.

Ultimately, the court sentenced Jalloh to a term of twenty-five years' imprisonment, but the court did not suspend any portion of that sentence. In so doing, the court informed Jalloh that, if he fulfilled his obligation to testify at appellant's upcoming trial, the court would, upon Jalloh's filing of a motion for reconsideration of sentence, impose the previously agreed-upon sentence of twenty-five years' imprisonment, with all but ten years suspended.

Appellant's First Trial

In 2012, appellant was tried on the pending charges related to the murder of Ennels. At the trial, Jalloh testified that, in 2007, he was incarcerated for buying stolen cars. While incarcerated, Jalloh met Jamaal, who was also an inmate, and the two became friendly. Jalloh testified that, at some point during their incarceration, he and Jamaal discussed the murder of Brown and, in particular, Jamaal's need "to get rid of the witnesses[.]" When Jalloh ran into Jamaal sometime later, Jamaal stated that he was "going home for sure." When Jalloh inquired further, Jamaal stated that his "brother got rid of the witness." Jamaal explained that there was "a girl in the car with two people" and "the dude that told on him" was "shot." Jamaal added that his "brother did it." Jalloh testified that, shortly after that conversation, he called his attorney and reported his conversation with Jamaal.

On cross-examination, appellant's attorney asked Jalloh if he had received any consideration from the State for his testimony:

> Q. Now, [your prior] case is not facing trial, right? You've entered a plea of guilty as we talked about?
>
> A. I'm doing time for it now.
>
> Q. Ho[w] much time?
>
> A. Twenty-five years.
>
> Q. Now, is it not true that you can gain a benefit for yourself by testifying here today?
>
> A. No. The only benefit, the judge told me, he said, go up there, do good, I'm going to do a reconsideration motion. If you do okay, I'll bring you back after ten years.

Q. So you are going to hope to get a benefit from your testimony here today?

A. I'm not sure. What you mean by that? Until it happen[s], I don't know.

* * *

Q. Now when you declined to testify last time, had you wrapped up your case here in P.G. County?

A. I'm not sure if I did. I don't think. I don't think I did.

Q. So that now in exchange for your testimony can you get a benefit; is that not true?

A. No. Nobody promised me anything.

Q. Do you really believe that by – do you really not think that by not testifying here you're not going to try to reduce the 25-years sentence that you're serving?

A. I can't tell because I don't know was [sic] the judge is going to do. He says he's going to reconsidering [sic] my sentence. He said, do good, don't catch any tickets, and I didn't catch no ticket, and I'll bring you back. That's the plea, for 25 years, that's it.

Q. The last time we came in court when that deal wasn't in place, you didn't testify?

A. [W]hat deal?

Q. The last time we brought into that exact courtroom you chose not to testify?

A. Yes.

Q. That's because you couldn't gain anything?

A. They already gave me the deal. I was just waiting for sentencing.

Q. You didn't know what they were going to do?

A. I already knew.

Q. You said you were waiting for sentencing?

A. You said what you going to do. He said, I'm going to give you 25 years for the first degree assault. You go up there, do good, don't be in no trouble, I'll bring you back for the reconsideration and I might take some time off of you.

Appellant was ultimately convicted of conspiracy to murder Ennels but was acquitted of the murder charges. He noted an appeal, and this Court reversed and remanded for a new trial.[2]

Jalloh is Resentenced

In April 2012, following appellant's trial, Jalloh returned to court for a reconsideration of his twenty-five-year sentence. At that hearing, the prosecutor reminded the court that the State had agreed not to oppose reconsideration if Jalloh fulfilled his obligations. The prosecutor informed the court that Jalloh's obligations had been satisfied. The court then sentenced Jalloh to a term of twenty-five years' imprisonment, with all but ten years suspended.

Appellant's Second Trial

In 2016, appellant was retried on a sole charge of conspiracy to murder Ennels. Prior to trial, appellant filed a motion seeking to preclude Jalloh from testifying. In that motion, appellant argued, among other things, that Jalloh's testimony was untrustworthy,

[2] Appellant was also charged with and convicted of two obstruction offenses, but those charges were later dismissed following this Court's reversal of appellant's convictions.

in part because, when Jalloh testified at the first trial, he had been promised a benefit, namely, a reconsideration of his sentence. The court denied the motion.

At trial, the State called Jalloh to testify, but this time Jalloh refused to do so. As a result of Jalloh's refusal, the State asked if Jalloh's testimony from appellant's 2012 trial could be read into evidence. Appellant's counsel objected, arguing that, because Jalloh had previously testified "to fulfill his obligation[,]" he did not currently have the same motivations to testify because he "no longer has to abide by the terms of the plea agreement[.]" The court ultimately overruled the objection, and Jalloh's testimony from appellant's 2012 trial was read into the record.

In addition to Jalloh's testimony, the State presented other evidence connecting appellant to the murder of Ennels. That evidence established the following: (1) prior to Ennels's murder, Jamaal told Edmonds that Ennels was going to "snitch" and that Jamaal wanted to "set up" Ennels; (2) four days prior to Ennels's murder, appellant and Jamaal had a conversation in which they discussed the status of Ennels's murder; (3) just after the shootings of Cash and Ennels, appellant was stopped by the police driving away from the scene of the shooting; that the officer who stopped appellant observed blood on appellant's clothes; (4) shortly after the shooting, the police found a black skullcap containing appellant's DNA near the scene of the shooting; and, (5) Lammons had identified appellant as one of the shooters.

Appellant was convicted of conspiracy to murder Ennels. Appellant noted an appeal, and this Court affirmed the judgment in an unreported opinion. *Alexis v. State*, No. 2675, Sept. Term, 2016 (filed Oct. 4, 2018).

Appellant's Petition for Writ of Actual Innocence

In 2023, appellant filed a petition for writ of actual innocence. His petition was filed pursuant to Md. Code, Criminal Procedure Article ("Crim. Proc.") § 8-301, which states in pertinent part:

> (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:
>
> (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; or
>
> (ii) if the conviction resulted from a guilty plea, an Alford plea, or a plea of nolo contendere, establishes by clear and convincing evidence the petitioner's actual innocence of the offense or offenses that are the subject of the petitioner's motion; and
>
> (2) could not have been discovered in time to move for a new trial under Maryland Rule 4-331.

Crim. Proc. § 3-801(a).

In his petition, appellant argued that Jalloh's cooperation agreement with the State had not been properly disclosed and thus was "newly discovered evidence" because it could not have been discovered in time to move for a new trial following his 2016 retrial. Based on that premise, appellant also argued that, had the agreement been disclosed, there was a substantial possibility that he would have been acquitted of the conspiracy charge. The State agreed with none of this. We will discuss the State's contentions in our analysis.

The Circuit Court's Hearing on Appellant's Petition

At the hearing on appellant's petition, the prosecutor from appellant's 2012 trial, E. Wesley (Wes) Adams, III, testified. Adams confirmed that Jalloh had been cooperating with the State, even though there was no formal agreement. Adams stated that Jalloh's cooperation agreement and the "various sentences that were discussed" all had been disclosed to appellant's trial counsel prior to appellant's 2012 trial. Adams related that appellant's trial counsel had been advised about "all levels of the cooperation" and "any potential agreements[.]" Adams testified that he also recalled that appellant's counsel had been in the courtroom, as an observer, during Jalloh's various sentencing hearings.

Appellant's trial counsel, Peter Fayne, also testified. Fayne stated that he represented appellant during both trials and that he also worked closely with Jamaal's trial counsel. Fayne stated that he was never informed about any cooperation agreement between the State and Jalloh. On cross-examination, Fayne clarified that he did not have "any specific recollection" as to whether he was made aware of the agreement. Additionally, he acknowledged that, based on his filings prior to appellant's 2016 retrial, it appeared that he "had knowledge of something[.]"

The Circuit Court Denies Appellant's Petition

Following the hearing, the court issued a written order denying appellant's petition. The court found that appellant had failed to meet his burden of establishing that Jalloh's cooperation agreement was not known to the defense prior to appellant's 2016 retrial. The court noted that there was "ample evidence in the record" to support a "reasonable inference that [appellant's] trial counsel knew of the cooperation agreement

before [appellant's] 2016 trial." The court found that Adams "testified credibly" when he stated that appellant's counsel had been informed "about 'all levels' of the cooperation agreement with Jalloh as early as 2008." The court gave Fayne's testimony "little deference of this issue[,]" noting that there was "other evidence in the record" to "reasonably indicate that Fayne was aware of the sentencing benefits Jalloh received before [appellant's] 2016 trial."

The court also found that, "even if the jury had received evidence of Jalloh's sentencing benefits, that fact, under the totality of the evidence, fails to create a substantial or significant possibility that the outcome of the trial may have been different." The court noted that "there was additional evidence, such as DNA and other eyewitness testimony, which a reasonable juror could find constituted sufficient evidence, beyond a reasonable doubt, that [appellant] conspired to murder Ennels."

This timely appeal followed. Additional facts will be supplied as needed below.

THE STANDARD OF REVIEW

We review for abuse of discretion a court's decision on the merits of a petition for writ of actual innocence. *Hunt v. State*, 474 Md. 89, 102-03 (2021). "We accept the factual findings of the circuit court unless clearly erroneous and will 'not reverse a circuit court's discretionary determination unless it is well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.'" *Carver v. State*, 482 Md. 469, 485 (2022) (cleaned up) (quoting *Faulkner v. State*, 468 Md. 418, 460 (2020)). "It is an abuse of discretion for the circuit court to apply an incorrect legal standard in reaching its conclusion." *Id.*

ANALYSIS

The Parties' Contentions

Appellant contends that the circuit court erred in denying his petition on the grounds that Jalloh's cooperation agreement was not newly discovered evidence. Appellant argues that the transcript of Jalloh's testimony from appellant's 2012 trial shows that defense counsel was not aware of the benefit promised to Jalloh. Appellant asserts that whether defense counsel learned of the benefit after the 2012 trial but before the 2016 retrial was "largely immaterial" because "the testimony heard by the jury at the 2016 trial was actually the 2012 testimony — after the benefit had been promised, and had not been disclosed." Additionally, appellant contends that the court erred when it concluded that defense counsel knew about the cooperation agreement prior to the 2016 retrial.

Appellant also argues that the court further erred in denying his petition on the alternate ground that the "newly discovered evidence" would not have created a substantial or significant possibility that the outcome of the trial may have been different. Appellant argues that the court applied the wrong legal standard. Appellant asserts that "there was not a significant amount of evidence in this case" and that, "[b]ut for Jalloh's testimony, [appellant] would not have been convicted of conspiracy."

The State contends that the court properly denied appellant's petition. The State argues that the court's factual findings were not clearly erroneous and that the court did not abuse its discretion in denying appellant's petition on the grounds cited by the court.

The Actual Innocence Statute

Crim. Proc. § 8-301(a) sets out a process by which certain individuals convicted by way of a trial can petition for a writ of actual innocence based on a claim of "newly discovered evidence." The petitioner has the burden of proving the evidence is "newly discovered." Crim. Proc. § 8-301(g). Evidence is "newly discovered" if it: (1) speaks to the petitioner's actual innocence; (2) could not have been discovered in time to move for a new trial under Maryland Rule 4-331; and (3) creates a substantial or significant possibility that the result of the trial may have been different. *Carver*, 482 Md. at 489-90. The second and third requirements are at issue in this appeal. We will address them separately.[3]

The Meaning of "Newly Discovered" Evidence

To be "newly discovered," the evidence at issue "could not have been discovered in time" to be the basis for a motion for a new trial under Maryland Rule 4-331." Crim. Proc. § 8-301(a)(2). Maryland Rule 4-331 provides that a motion for a new trial based on newly discovered evidence must be filed "within one year after the later of (A) the date the court imposed sentence or (B) the date the court received a mandate issued by the final appellate court to consider a direct appeal from the judgment or a belated appeal permitted as post conviction relief." Md. Rule 4-331(c)(1).

[3] In this appeal, the State additionally argues that Jalloh's cooperation agreement did not "speak to" appellant's actual innocence. This issue was not addressed by the circuit court. Because we conclude that the circuit court did not abuse its discretion in denying appellant's petition, we need not address the State's alternate argument.

In the present case, the mandate from this Court affirming appellant's conviction following his direct appeal was received by the circuit court on November 19, 2018. Thus, for the evidence at issue in the current appeal to be "newly discovered," it could not have been discoverable within one year of that date.

Whether certain evidence could have been discovered by a particular date involves two aspects: "a 'temporal one,' that is, when the evidence was discovered; and a 'predictive one,' that is, when [the evidence] 'should' or 'could' have been discovered." *Hunt*, 474 Md. at 108 (quoting *Argyrou v. State*, 349 Md. 587, 602 (1998)). The latter aspect requires "due diligence" and, "in this context, 'contemplates that the defendant act[ed] reasonably and in good faith to obtain the evidence, in light of the totality of the circumstances and the facts known to him or her.'" *Id.* (quoting *Argyrou*, 349 Md. at 605). This is a "threshold question," and, "'[u]ntil there is a finding of newly discovered evidence that could not have been discovered by due diligence, no relief is available, no matter how compelling the cry of outraged justice may be.'" *Smith v. State*, 233 Md. App. 372, 416 (2017) (cleaned up) (quoting *Argyrou*, 349 Md. at 602).

We hold that the circuit court did not abuse its discretion in finding that appellant failed to meet his burden of showing that Jalloh's cooperation agreement could not have been discovered in time to move for a new trial under Rule 4-331. As the court noted in its memorandum opinion, there was ample evidence in the record to support a reasonable inference that appellant, through counsel, knew about Jalloh's cooperation agreement around the time of appellant's 2016 retrial, long before the time limit established by Rule

4-331.[4] This was so, reasoned the court, because at the hearing on appellant's petition, the prosecutor at appellant's 2012 trial testified that Jalloh's cooperation agreement and the "various sentences that were discussed" had been disclosed to appellant's trial counsel prior to appellant's 2012 trial. The prosecutor also testified that appellant's trial counsel had been advised about "all levels of the cooperation" and that appellant's counsel had been in the courtroom, as an observer, during Jalloh's various sentencing hearings.

In addition to this testimony, the record shows that, prior to appellant's 2016 retrial, appellant's counsel filed a motion in which he expressly referenced Jalloh's cooperation agreement. When the State subsequently sought to have Jalloh's prior testimony read into the record at appellant's 2016 retrial, appellant's counsel again expressly referenced Jalloh's cooperation agreement. Given these circumstances, the court was well within its discretion in finding that Jalloh's cooperation agreement was not "newly discovered evidence."

To be sure, appellant's counsel testified at the hearing on appellant's petition that he was never made aware of Jalloh's cooperation agreement. The court, however, gave that testimony "little deference" in light of the abundant evidence in the record suggesting that counsel knew about the agreement around the time of appellant's 2016

[4] For this reason, appellant's reliance on *Wilson v. State*, 363 Md. 333 (2001), is misplaced. In *Wilson*, the post-conviction court found that the evidence at issue had not been disclosed to the defendant either before or during trial, and, on appeal, the Supreme Court of Maryland deferred to that finding as not clearly erroneous. *Id.* at 348. Here, in contrast, the court found that the evidence at issue had been timely disclosed, and there is substantial evidence to support that conclusion.

retrial. Furthermore, the court found credible the testimony of the trial prosecutor, which directly contradicted appellant's counsel's testimony. We defer to the court's credibility determinations.

Appellant also contends that counsel's alleged discovery of Jalloh's cooperation agreement was "largely immaterial" because "the testimony heard by the jury at the 2016 trial was actually the 2012 testimony — after the benefit had been promised, and had not been disclosed." We do not agree.

As we have discussed, the prosecutor at the 2012 trial testified that appellant's counsel was made aware of the cooperation agreement prior to the 2012 trial, and appellant's counsel was present in the courtroom during Jalloh's various sentencing hearings. In addition, when appellant's counsel cross-examined Jalloh at appellant's 2012 trial, counsel asked Jalloh about any benefits he may have received from the State, and Jalloh acknowledged that the sentencing court in his other case had conditionally agreed to reduce his sentence. From this, a reasonable inference could be drawn that appellant's counsel knew, or with due diligence should have known, about the cooperation agreement in time to move for a new trial under Rule 4-331 following appellant's 2012 trial.

In any event, the conviction at issue in appellant's petition for writ of actual innocence stemmed from his 2016 retrial, not his 2012 trial. Therefore, under the plain language of Crim. Proc. § 8-301, appellant's "newly discovered evidence" could not have been discovered within one year of receipt of this Court's mandate following appellant's appeal of his 2016 conviction. And, as discussed, appellant knew, or should have known,

about the cooperation agreement long before that date. As such, the cooperation agreement was not "newly discovered evidence." Whether appellant knew about the cooperation agreement around the time of his 2012 trial is irrelevant.

The Actual Innocence Court's Alternative Analysis

Although the court's finding with respect to appellant's awareness of the cooperation agreement constitutes sufficient grounds to affirm the court's judgment, we will briefly discuss the court's alternate grounds for denying appellant's petition. As noted, the court also found that Jalloh's cooperation agreement did not create a substantial or significant possibility that the outcome of the trial might have been different. The court reasoned that "there was additional evidence, such as DNA and other eyewitness testimony, which a reasonable juror could find constituted sufficient evidence, beyond a reasonable doubt, that [appellant] conspired to murder Ennels."

"The third prong of the [actual innocence] analysis 'involves a determination regarding the impact of the evidence.'" *Smith*, 233 Md. App. at 430 (quoting *Jackson v. State*, 216 Md. App. 347, 366 (2014)). "The test is 'whether, if the convicting jury had the benefit of the newly discovered evidence as well as the evidence that was before them, would there be a substantial or significant possibility that the result would have been different?'" *Id.* (cleaned up) (quoting *Yonga v. State*, 446 Md. 183, 211 (2016)). Answering that question "requires 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*, 482 Md. at 490 (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).

We hold that the circuit court did not abuse its discretion in finding that, had the jury been fully informed about Jalloh's cooperation agreement, there was not a substantial or significant possibility that the outcome of the trial would have been different. To begin with, we do not agree with appellant's claim that the court applied an incorrect legal standard. The court expressly referenced the appropriate standard in reaching its decision, and there is nothing in the record to indicate that the court deviated from that standard in finding that appellant had failed to meet his burden.

Second, we agree with the court's assessment that Jalloh's cooperation agreement did not create a substantial or significant possibility that the result may have been different. According to Jalloh's testimony from appellant's 2012 trial, appellant's counsel questioned Jalloh at length about the benefits he received from the State by testifying, and Jalloh acknowledged that his pending twenty-five-year sentence would be reconsidered. After that testimony was read into the record during appellant's 2016 retrial, appellant's counsel, in giving his closing argument, specifically referenced Jalloh's motivations in testifying, arguing that Jalloh was "a veteran criminal, trying to get his sentence reduce[d] by testifying against his fellow inmates"; that he was facing "a 25 year sentence" and was "trying to get all this time off"; and that "[a]ll he's trying to do is get time off." Thus, while it does not appear that the exact terms of Jalloh's cooperation agreement were disclosed to the jury, it is clear that the jury was aware that Jalloh may have had an ulterior motive in testifying against appellant. In light of this, and

in the context of the other evidence connecting appellant to Ennels's murder, we cannot say that the cumulative effect of what appellant now calls "newly discovered evidence" undermined confidence in the jury's verdict.

THE JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY IS AFFIRMED; COSTS TO BE PAID BY APPELLANT.