

Circuit Court for Baltimore City
Case Nos. 100014012, -016, -020, -024, -028, and -040

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2346

September Term, 2023

ROBERT BRYANT

v.

STATE OF MARYLAND

Reed,
Shaw,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: May 19, 2025

*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 2001, Robert Bryant, appellant, was convicted, in the Circuit Court for Baltimore City, of multiple counts of murder and related charges. In 2023, Bryant filed a motion for a new trial based on newly discovered evidence. The court denied the motion, and Bryant noted this appeal.

In his appeal, Bryant has filed an informal brief, raising two “issues.” For clarity, we have rephrased and consolidated those issues into a single question¹:

Did the circuit court err or abuse its discretion in denying Bryant’s motion for a new trial?

Finding neither error nor abuse of discretion, we affirm.

BACKGROUND

On December 5, 1999, five women were shot and killed during an armed robbery involving multiple assailants. Bryant was later identified as one of the assailants and charged in the circuit court with five counts of murder and related offenses. In 2001, Bryant was found guilty of those charges and sentenced to five consecutive life sentences for the murder convictions and some additional terms for the other convictions. After Bryant noted an appeal, this Court affirmed in a reported opinion. *Wilson v. State*, 148 Md. App. 601 (2002).

¹ Bryant phrased the issues as:

1. Did the Circuit Court err in denying a new trial regarding the flawed CBLA evidence?
2. Did the Circuit Court err in denying a new trial regarding the unreliable AFTE theory evidence and/or the Bunter Mark examination?

In 2006, the circuit court granted Bryant postconviction relief, vacated Bryant’s life sentences, and ordered that he be resentenced. In 2007, this Court granted the State’s application for leave to appeal, reversed the court’s decision, and reinstated Bryant’s sentences.

There were no further proceedings until June 2023, when Bryant filed, in the circuit court, a “Motion for New Trial Under Newly Discovered Evidence” pursuant to Maryland Rule 4-331. In that motion, Bryant argued that, at his 2001 trial, the State had presented firearms toolmark identification evidence that the Supreme Court of Maryland later held, in *Clemons v. State*, 392 Md. 339 (2006), to be unreliable and inadmissible.

The State opposed Bryant’s motion, arguing, among other things, that Bryant’s motion was untimely. Bryant then filed a supplemental motion, in which he presented additional evidence regarding the unreliability of the firearms toolmark identification evidence presented at his 2001 trial. Bryant maintained that the more recent evidence, which discredited the scientific methods relied upon at his 2001 trial, constituted “newly discovered evidence” pursuant to Rule 4-331.² Bryant did not address the State’s argument regarding the timeliness of his motion.

² Bryant suggests that admission of the since discredited evidence was not harmless. Lest we be tempted to be influenced by any notion of lenity or insufficiency of the evidence, we recall a portion of Bryant’s testimony at his post-conviction hearing on December 16, 2005:

The involvement was with me, was robbery. I was at the house. I demanded . . . money from her. I got the drugs from her. I took the ring from her. I took Mr. Thomas out of the house, me and Mr. Wilson. We was leaving. I thought it was over, but I came back to the house because McCoy and Tyree Wilson was still in the house.

(continued...)

In January 2024, following a hearing, the circuit court denied Bryant’s motion. The court found that Bryant’s motion was untimely under Rule 4-331.

Bryant thereafter noted this appeal. Additional facts will be supplied as needed below.

DISCUSSION

Bryant argues that the circuit court erred in denying his motion for a new trial, raising the same arguments he raised below in support of his motion for a new trial. Bryant does not address the court’s denial of his motion as untimely.

The State contends that the court properly denied Bryant’s motion as untimely. The State argues that, for Bryant’s motion to have been timely, it needed to have been filed within one year after the court received this Court’s mandate following Bryant’s direct appeal. We agree with the State.

Maryland Rule 4-331 states, in relevant part, that a court may grant a new trial based on newly discovered evidence: “on motion 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[.]”³ Md. Rule 4-331(c)(1). Here, at a minimum, Bryant

* * *

When I came back into the house, that’s when the first shot went off.

* * *

I simply came there to rob. I didn’t have any intention to kill nobody.

³ In certain limited circumstances, the one-year limitation imposed by Rule 4-331(c) is not applicable. *See* Md. Rule 4-331(b)(2) and (c)(2). None of those circumstances is relevant here.

was required to file his motion for new trial within one year of March 17, 2008, which is when the court received this Court’s mandate following the State’s appeal of Bryant’s post-conviction relief. Bryant did not file his motion until June 2023, nearly fourteen years after Rule 4-331’s deadline. As such, the court did not err or abuse its discretion in denying Bryant’s motion as untimely.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED;
COSTS TO BE PAID BY APPELLANT.**