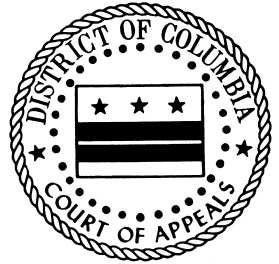


No. 24-CO-254
Consolidated with Nos. 16-CO-1061 & 24-CO-314



Clerk of the Court
Received 10/02/2024 02:10 PM
Filed 10/02/2024 02:10 PM

DISTRICT OF COLUMBIA COURT OF APPEALS

LEONARD E. BISHOP,

Appellant,

v.

UNITED STATES,

Appellee.

Appeal from the District of Columbia Superior Court
Criminal Division, Felony Branch

REDACTED BRIEF FOR APPELLANT LEONARD E. BISHOP

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LISTING OF PARTIES

Undersigned counsel hereby certifies that the only parties who appeared in the District of Columbia Superior Court were Mr. Leonard E. Bishop and consolidated defendant Rodney A. Brown, and the United States of America. Attorneys Carrie Weletz and Jenifer Wicks represented Mr. Bishop in the Superior Court, attorneys Thomas E. Carter, Benjamin Rosen, James Moody, Margaret Abernethy, Jarad Daniels, Charles McLaurin, Shawn Armbrust, and Thomas T. Helsep represented Mr. Brown in the Superior Court. Assistant United States Attorney Timothy W. Lucas represented the United States.

Mr. Bishop is represented in this court by attorney Peter H. Meyers. Mr. Brown is represented in this Court by Margaret Abernethy, Thomas T. Heslep, and Thomas E. Carter. The United States is represented in this court by Assistant United States Attorney Chrisellen R. Kolb.

No intervenors or amici curiae have appeared in this case.

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APPEAL FROM FINAL JUDGMENT

This appeal is from a final Order issued by Judge Jason Park denying Mr. Leonard E. Bishop and co-appellant Rodney A. Brown's Innocence Protection Act petition on March 7, 2024, disposing of all parties' claims.

ISSUES PRESENTED

1. Whether the trial court erred in ruling that certain evidence introduced at the IPA hearing was not "new" evidence.
2. Whether the trial court erred in not considering [REDACTED MATERIAL]
3. Whether the trial court erred for the additional reasons set forth in detail in the brief filed by co-appellant Rodney A. Brown in this Court.
4. Whether the cumulative effect of the errors committed by the trial court noted in this brief and the brief filed in this Court by co-appellant Rodney A. Brown requires the reversal of the denial of Mr. Bishop's IPA petition.

STATEMENT OF THE CASE

I. Nature of the Proceedings

Mr. Leonard E. Bishop and co-appellant Rodney A. Brown filed a joint motion to vacate their convictions pursuant to the District of Columbia Innocence Protection Act (IPA), D.C. Code § 22-4131 *et seq.*, on January 17, 2020.

Evidentiary hearings on the IPA motion were held before Judge Jason Park on September 22, 23, and 30, and October 11 and 25, 2022. Post-hearing briefing was submitted, and Judge Park issued his final Order denying the joint IPA petition on March 7, 2024. R. 12.¹

A timely notice of appeal was filed on March 16, 2024, R. 13, and this Court appointed undersigned counsel (who was not trial counsel) to represent Mr. Bishop on appeal. Subsequently, on April 12, 2024, this Court ordered that Mr. Bishop's appeal in this case be consolidated with Mr. Brown's two appeals for all purposes. Order at 1.

II. Statement of the Facts

A. The Original Trial Proceedings and Appeal

Leonard E. Bishop, together with co-appellant Rodney A. Brown, were charged and convicted of several offenses, including first-degree murder while armed, arising out of a shooting incident that took place on November 25, 1994, in the 600 block of

¹ In this brief, the record on appeal in Mr. Bishop's case is cited as "R." followed by the document number, *e.g.*, R. 1. The hearing transcripts are cited as "Tr." followed by the date and page of the transcript to which the citation refers, *e.g.*, Tr. 10/11/22 at 16. All citations to the D.C. Code are to the 2001 edition, as amended, unless otherwise indicated.

46th Place, S.E., in Washington, D.C.²

Mr. Bishop and Mr. Brown went to a jury trial presided over by Judge Colleen Kollar-Kotelly beginning on March 8, 1996. The testimony introduced at trial is described in detail in the brief filed in this Court by co-appellant Rodney Brown. Mr. Bishop would refer the Court to that brief for a discussion of the evidence introduced at the original trial. On March 28, 1996—after more than a week of deliberations—the jury returned with guilty verdicts on all counts.

Mr. Bishop was sentenced by Judge Kollar-Kotelly on July 10, 1996, to an aggregate prison term of 101 years and eight months to life in prison.

Mr. Bishop and Mr. Brown appealed their convictions and this Court subsequently affirmed, except for remanding the case to vacate four of their five convictions for possession of a firearm during a crime of violence. *Brown v. United States*, 934 A.2d 930, 945 (D.C. 2007).

B. The Innocence Protection Act Petition

Mr. Bishop and Mr. Brown filed a joint petition to vacate their convictions under the IPA on January 17, 2020. Evidentiary hearings on the IPA petition were held

²Mr. Bishop and Mr. Brown were also charged and convicted of four counts of assault with intent to kill while armed, one count of mayhem while armed, one count of carrying a pistol without a license, and five counts of possession of a firearm (footnote continued) during a crime of violence. *Brown and Bishop v. United States*, 934 A.2d 930, 935 (D.C. 2007).

before Judge Jason Park on September 22, 23, and 30, and October 11 and 25, 2022.

The IPA proceedings are described in detail in the brief filed in this Court by co-appellant Rodney Brown. Mr. Bishop would refer the Court to that brief for a discussion of the evidence introduced during the course of the IPA proceedings. Additional facts relevant to the issues raised herein are included below in the argument section.

Post-hearing briefing was submitted by the parties, and Judge Park issued his final Order denying the joint IPA petition on March 7, 2024. R. 12. Judge Park's order is discussed in detail in this brief *infra* and in the brief filed in this Court by co-appellant Brown.

SUMMARY OF ARGUMENT

(1) The trial court erred in ruling that certain evidence introduced at the IPA hearing was not “new” evidence. During the IPA proceedings, Mr. Bishop and Mr. Brown submitted the following new evidence of their actual innocence³:
(1) testimony from Marcus Johnson that he not only lied to police about seeing Rodney Brown running from the crime scene shortly after the shooting, but that he believed the November 25 shooting was the byproduct of two warring gangs:

³ Several members of the Alabama Avenue gang also testified at the IPA proceedings that their fellow gang member, Eugene Nixon, confessed that he was

the Alabama Avenue gang (“Winston, Gene, Ricky, Rob, those guys”) and Roy Tolbert’s gang (which included Marcus Johnson, Andre Newton, and others); and (2) eyewitness testimony from Tyrone Jones that Mr. Bishop and Mr. Brown were not the shooters, and that one of the shooters, in fact, resembled Eugene Nixon, a member of the Alabama Avenue gang. Contrary to the trial court’s determination, this evidence qualifies as “new” under the IPA because none of it was known, nor could it have been known with reasonable diligence, in time for Mr. Bishop’s and Mr. Brown’s trial. The trial court’s error in excluding consideration of this new exculpatory evidence was not harmless. *Travers v. United States*, 124 A.3d 634, 641 (D.C. 2015).

(2) The trial court also erred in not considering [REDACTED MATERIAL]

responsible for the November 25 shooting. The trial court rightly concluded that the testimony from these witnesses was “new evidence” under the IPA.

(3) The trial court also erred for the additional reasons set forth in detail in the brief filed by co-appellant Rodney A. Brown in this Court. Mr. Bishop would refer the Court to the detailed discussion of those issues in Mr. Brown's brief, which Mr. Bishop incorporates and adopts herein.

(4) The cumulative effect of the errors committed by the trial court noted in this brief and in the brief filed in this Court by co-appellant Rodney A. Brown requires the reversal of the denial of Mr. Bishop's IPA motion. When, on appeal, it is asserted that the trial court committed a number of errors, it is appropriate for this Court to not only consider those asserted errors individually, but to look to "the cumulative impact of the errors." *Smith v. United States*, 26 A.3d 248, 264 (D.C. 2011). The cumulative impact of the errors committed by the trial court in this case requires a remand with instructions to vacate Mr. Bishop's convictions because he is innocent of the charged offenses.

ARGUMENT

I. **The Trial Court Erred in Ruling that Certain Evidence Introduced at the IPA Hearing was Not "New" Evidence**

A. **Applicable Legal Standards**

The IPA authorizes individuals convicted of criminal offenses in the District of Columbia to file motions to vacate those convictions “on grounds of innocence based on new evidence.” D.C. Code § 22-4135(a). “New evidence” is evidence that “[w]as not personally known and could not, in the exercise of reasonable diligence, have been personally known to the [petitioner] at the time of the trial.” *Id.* § 22-4131(7)(A)-(B)(i) (brackets added). Diligence requires only *reasonable* efforts to discover potential evidence. It does not require a petitioner to “exhaust every lead or seek to discover a needle in a haystack.” *Faulkner v. State*, 468 Md. 418, 460 (2020).

Whether a person acted diligently is generally a question of fact reviewed on appeal for abuse of discretion. *Christian v. Bruno*, 247 A.2d 54, 57 (D.C. 1968). However, this Court “will not sustain [factual] findings in which the trial court has rejected or failed to draw inferences” that are “inescapable from the record as a whole.” *Murphy v. McLoud*, 650 A.2d 202, 210 (D.C. 1994). “Where there is no issue of fact, the question of lack of diligence is one of law” reviewed *de novo*. *Sitwell v. Gov’t Emp. Ins. Co.*, 263 A.2d 262, 63 (D.C. 1970).

B. Marcus Johnson’s Testimony Is New

On December 1, 1994, Marcus Johnson was arrested for stabbing several individuals outside the Eastside Club in SW, D.C. Facing charges for Assault

with Intent to Kill (AWIK), Johnson told police that he had information on the murder of his best friend, Andre Newton, which had occurred a week earlier. Ex. 5. He then proceeded to tell police that on November 25, he was walking toward 46th Place, SE, when he heard gunshots and then, seconds later, saw Rodney Brown running from the area where Newton had been shot. *Id.*

During the IPA proceedings, Marcus Johnson admitted that he lied to police about seeing Mr. Brown running from the scene of the November 25 shooting. Tr. 9/22/22 at 110:9-14. In reality, he was at home, several miles away, and did not see anything. *Id.* at 107:5-15. He lied because he was young, scared, and trying to “get [himself] out of a jam” on his pending AWIK charges, so he perpetuated a “rumor” he had heard about Mr. Brown being involved in Newton’s death; one that Johnson did not believe. *Id.* at 111:15-22; 138:5-10; 147:1-148:2. Johnson was granted personal recognizance the next day despite his pending AWIK charges. *Id.* at 111:16-22; Ex. 22.

On cross-examination by the government, Johnson further testified that the stabbing outside the Eastside Club was actually in response to Newton’s death. Johnson explained that he went to the Eastside Club that night intending to attack members of the Alabama Avenue gang (“Winston, Gene, Ricky, Rob, those guys”) because he believed they were responsible for Newton’s murder, not Mr.

Brown or Mr. Bishop. *Id.* at 120:21-122:13. Johnson’s belief stemmed from an ongoing feud between his gang (which included his cousin, Roy Tolbert, and Newton) and the Alabama Avenue gang, including two shoot-outs between the gangs prior to Newton’s death. *Id.* at 121:19-128:3. The Eastside Club stabbing was yet another instance in the deadly feud. *Id.* at 120:21-122:13.

The trial court determined Johnson’s testimony was not new because Johnson was known to defense counsel prior to trial, so had defense counsel interviewed him, “the information [Johnson] conveyed [at the IPA hearing] presumably would have been available.” Order at 33. This was error for two reasons. *First*, nothing in the record supports the trial court’s speculation that Johnson would have willingly divulged this information to defense counsel. The mere fact that Johnson was known and could potentially be interviewed, does not mean he would, in fact, agree to be interviewed, or would actually tell the truth during said interview. *Stringer v. United States*, 301 A.3d 1218, 1232 (D.C. 2023) (error for trial court to speculate without record evidence).

Second, the trial court ignores record evidence showing that Johnson would not have told defense counsel what he knew. Johnson’s trial for the Eastside Club stabbing did not begin until June 7, 1996 (Ex. 4)—several months after Mr. Bishop and Mr. Brown’s trial, which concluded in March 1996. Johnson’s

defense at the Eastside Club stabbing trial was that the Alabama Avenue gang members were the aggressors in the fight, and that he acted in self-defense. Ex. 21 at 209:10-210:6 (questioning Alabama Avenue witness about whether his friends started the fight); Ex. 5 at 3 (stating the Alabama Avenue members threatened them and started the fight). To tell the truth—that his gang was feuding with the Alabama Avenue gang and that he went to the Eastside Club with the intent to harm their gang members as retribution for Newton’s death—would have gutted his defense at his future trial. In other words, at the time of Mr. Bishop and Mr. Brown’s trial, Johnson had every incentive not to tell the truth about the Eastside Club attack, even if approached.

If Johnson would not have been willing to incriminate himself in the Eastside Club stabbing or torpedo his defense at his own later trial, diligence cannot be lacking. *Vega Pelergrina v. United States*, 601 F.2d 18, 21 (1st Cir. 1979) (where witness withheld information, petitioners did not lack diligence); *see also Madison v. Superior Iron Works*, 746 A.2d 343, 348 (D.C. 2000) (evidence was “manifestly ‘new’” because “it did not exist until after trial.”). The trial court erred by not considering this evidence.

Even if Johnson’s testimony is not “new” under the IPA, the trial court was still obligated to consider it when evaluating the strength of the evidence that the

court did find “new” (i.e., the testimony from the Alabama Avenue witnesses). The IPA states that a trial court “*shall* consider . . . [h]ow the new evidence demonstrates actual innocence.” D.C. Code § 22-4135(1)(B) (emphasis added); *Faltz v. United States*, 318 A.3d 338, 350 (D.C. 2024) (“[T]he trial court is obligated to consider all of the factors outlined in the IPA.”). It cannot do so without considering the full panoply of evidence, old and new. *House v. Bell*, 547 U.S. 518, 538 (“[T]he habeas court must consider all the evidence, old and new”); *Faulkner v. State*, 468 Md. 418, 469 n.24 (2020) (“[T]he circuit court was correct to consider the effect of newly discovered evidence on other evidence that was available” at the time of trial); *Reilly v. State*, 32 Conn. Supp. 349, 359 (1976) (“It is obvious that newly discovered evidence can logically and reasonably lead to other evidence, not necessarily new, which would then take on new dimensions and importance.”).

Johnson’s testimony is directly relevant to the testimony provided by the Alabama Avenue witnesses, as he corroborates their testimony about the deadly gang warfare between Tolbert’s gang and Alabama Avenue, and how the November 25 shooting was a result of that war. As well as to the question of how the police were directed away from this feud and toward Mr. Bishop and Mr. Brown based on Johnson’s false information following the Eastside Club

stabbing.

C. Tyrone Jones's Testimony Is New

Tyrone Jones was sitting in a car when the shooting began, and saw one of the shooter's faces from twenty feet away. Tr. 10/11/22 at 27:9-25, 102:13-22.

Because Mr. Bishop and Mr. Brown were “a lot older [than Jones],” they were not friends with one another. *Id.* at 34:8-12. Still, Jones knew them through his cousins, so he would have been able to recognize them if they had been involved. They were not. *Id.* at 33:12-34:21.

After Mr. Bishop and Mr. Brown were arrested, Jones told his cousins (Juan Green, Antwan Puliam, and Juan Puliam) that they were not the shooters, but he was never told that the information had been passed along to Mr. Bishop or Mr. Brown. *Id.* at 36:10-37:19. He did not go to the police himself because that would have been a “cardinal sin” where he came from. *Id.* at 38:14-21, 98:21-99:1. An investigator from the Mid-Atlantic Innocence Project (MAIP) confirmed with Juan Green that Jones told him Mr. Bishop and Mr. Brown were not the shooters.⁴ Tr. 10/25/22 at 98:4-99:24. As explained by the MAIP investigator, Green—who was recalling a conversation he had not thought about in a long time—originally believed he did tell Mr. Brown this information, but

later determined he had not because he would have been concerned about his family's safety. *Id.* at 98:4-17; 112:20-113:17; 114:17-24.

Jones did not speak with Mr. Bishop or Mr. Brown directly about what he saw until he was housed at the same facility as Mr. Brown in 2009. During a conversation with a cousin (Donald Hunt) who was also at the facility, Mr. Bishop and Mr. Brown's case came up and Jones mentioned what he knew. *Id.* at 39:3-40:3. Jones's cousin then put him in touch with Mr. Brown, at which point Jones told him what he saw that night. *Id.* at 40:4-41:12, 88:6-89:13. Jones described Mr. Brown's reaction as being shocked and "ecstatic" when he heard this information. *Id.* at 41:13-42:3.

The trial court determined Jones's testimony was not new because Jones "expected [his cousins] to tell Mr. Brown and Mr. Bishop what he knew," since his cousins "were friends with [them]." Order at 30. The court only reached this conclusion by failing to consider all the evidence. *Ashraf v. Fernandez*, 193 A.3d 129, 133 (D.C. 2018) (trial court's decision was "compromised by its failure to account" for critical evidence). *First*, there is no mention of a Tyrone Jones throughout the entirety of Mr. Bishop and Mr. Brown's trial. *Second*, he was not mentioned or offered as a witness during Mr. Bishop's subsequent § 23-110

⁴ Jones' other cousins had passed away by the time the investigator spoke with Green. Tr. 10/11/22 at 35:11-36:9.

proceedings in 2000, which raised allegations of IAC for defense counsel’s failure to call three eyewitnesses in his defense. Given the nature of these proceedings, had Mr. Bishop been aware of Jones, he surely would have been a witness at this proceeding. *Finally*, when Jones informed Mr. Brown of what he saw, Mr. Brown reacted with surprise and excitement—reactions one would only expect from someone hearing the information for the first time.

Commonwealth v. Mazza, 484 Mass. 539 (2020), is illustrative of the trial court’s error here. There, the petitioner did not have direct proof that a witness’s prior inconsistent statement had been withheld from the defense before trial, but did produce “several pieces of relevant, circumstantial evidence,” suggesting it had not been, *id.* at 550. This included the fact that “defense counsel made thorough use of the pretrial statements of various other witnesses,” but made no reference to the alleged undisclosed statement when cross-examining the relevant witness, despite the pretrial statement containing information that was “highly beneficial to the defendant’s case.” *Id.* at 549-50. The court in *Mazza* determined that although no single piece of circumstantial evidence was “particularly persuasive” for determining whether the pretrial statement had been withheld, when the evidence was “viewed as a whole,” “a more compelling picture emerged” that the statement was “newly discovered.” *Id.* at 550. The same is true here. Considering the evidence “as a whole,”—that Jones was not mentioned

at trial, was not mentioned during Mr. Bishop’s § 23-110 proceedings despite those proceedings similarly relating to eyewitnesses who had not been called at trial, and Mr. Brown was surprised to learn what Jones saw—a “compelling picture emerge[s]” showing that Jones’s eyewitness testimony was not known by Mr. Bishop or Mr. Brown prior to trial.

The trial court erred when it failed to consider or weigh any of this evidence “as a whole,” relying instead only on the speculative possibility that one of Jones’s cousins talked to Mr. Bishop or Mr. Brown about what Jones saw. *United States v. Facon*, 288 A.3d 317, 338 (D.C. 2023) (trial court did not “explain how [certain] facts outweighed [other] evidence”).

Without knowing that Jones was an eyewitness, Mr. Bishop and Mr. Brown had no reason to talk to him. Jones was not a friend of theirs, was not close in age, and did not live in the same area. Absent someone telling Mr. Bishop or Mr. Brown about Jones, their failure to speak with Jones prior to trial cannot be due to a lack of diligence. *Caston v. United States*, 146 A.3d 1082, 1088-89, 1091 (2016) (trial court determined witness was new where witness did not know appellant or return to the neighborhood where the crime occurred); *Engessor v. Young*, 2014 S.D. 81, 856 P.2d 471 (2014) (witness newly discovered where they left scene without talking to anyone).

Prior to the IPA hearing, Mr. Brown’s counsel also showed Jones three

photographs without identifying who was in each of the pictures. Tr. 10/11/22 at 106:17-107:6; 87:16-19. Jones testified that he “instantly” pointed to the photograph of Eugene Nixon and said, “that look like the shooter.” *Id.* Jones had never seen a photograph of this person before, and did not know the name of the person in the photograph. *Id.* The trial court did not determine whether Jones’s photo identification of Nixon was new evidence. It is. Even if Mr. Bishop and Mr. Brown were aware that Jones was an eyewitness at the time of their trial, which they were not, there was no reason to show Jones a photograph of Eugene Nixon, as Nixon was not a suspect at that time. Because Jones did not know Nixon (Tr. 10/11/22 at 106:25-107:6) and because no one had reason to show Jones a photograph of him until many years later, diligence was not lacking here.

As explained *supra*, even if Jones’s testimony were not new, it must still be considered by the trial court in its evaluation of the evidence that is new. Jones’s testimony is directly relevant to the evidence provided by the Alabama Avenue witnesses as it not only corroborates their testimony that Mr. Bishop and Mr. Brown were not involved, but implicates the very person the Alabama Avenue witnesses testified committed the shooting.

II. The Trial Court Erred in Not Considering [REDACTED MATERIAL]

A. Factual Background

{REDACTED MATERIAL]

B. Applicable Legal Standards

D.C. Code § 22-4135(g)(1) instructs that a court, in determining whether to grant relief under the IPA, “may consider any *relevant* evidence” (emphasis added). Relevant evidence is fundamentally broader than admissible evidence.

See, e.g., In re L.C., 92 A.3d 290, 297 & n.17 (D.C. 2014) (“Relevance, and the concept it embodies, determines initially whether a proffered item of evidence will be admissible.”). The question here, is therefore not whether Det. Rice’s disciplinary file was admissible, but whether it was relevant to the innocence proceedings. “This threshold is relatively easy to surmount.” *Dawkins v. United States*, 41 A.3d 1265, 1271 (D.C. 2012). The petitioner need only establish the evidence has “*any tendency* to make the existence of any fact that is of consequence more or less probable than it would be without the evidence.” *Id.* at 1270-21.

A trial court’s decision “to admit or exclude evidence” is generally reviewed “for abuse of discretion.” *Riddick v. United States*, 995 A.2d 212, 216 (D.C. 2010). Ordinarily, however, “any evidence which is logically probative of some fact in issue” should go to the fact finder. *Price v. United States*, 697 A.2d 808, 813 (D.C. 1997).

C. Legal Argument

[REDACTED MATERIAL]

III. Mr. Bishop Adopts and Incorporates Herein the Arguments Contained in the Brief Filed in this Court by Co-Appellant Rodney A. Brown

Co-appellant Rodney A. Brown has filed in this Court a brief which contains a number of arguments that the trial court erred in its denial of the IPA petition. Mr. Bishop would refer the Court to the detailed discussion of those issues in Mr. Brown's brief, which Mr. Bishop incorporates and adopts herein.

IV. The Cumulative Errors Committed by the Trial Court Require Reversal of the Trial Court's Denial of the IPA Petition

This brief, and the brief filed by co-appellant Rodney Brown in this Court, argue that the trial court committed a number of errors in denying their motions filed pursuant to the Innocence Protection Act. The cumulative effect of the errors committed by the trial court requires the reversal of the denial of the IPA petition. When, on appeal, it is asserted that the trial court committed a number of errors, it is appropriate for this Court to not only consider those asserted errors individually, but to look to "the cumulative impact of the errors." *Smith v. United States*, 26 A.3d 248, 264 (D.C. 2011); *see also, Sims v. United States*, 213 A.3d 1260, 1272 (D.C. 2019) (same); *cf. Price v. United States*, 697 A.2d 808, 811 (D.C. 1997) (this Court will look to the cumulative impact of the prosecutor's improper actions at trial); *Dugger v. United States*, 295 A.3d 1102, 1111 (D.C. 2023) (this Court will look to the

cumulative impact of defense counsel's ineffective assistance).

The cumulative impact of the errors committed by the trial court in this case, discussed in this brief and the brief filed by Mr. Brown, requires a remand with instructions to vacate Mr. Bishop's convictions and sentence. Mr. Bishop is innocent of the charges brought against him.

CONCLUSION

WHEREFORE, for all the reasons set forth above, and in the brief submitted by co-appellant Rodney A. Brown to this Court, Mr. Leonard E. Bishop requests that the decision by Judge Park denying his motion filed pursuant to the Innocence Protection Act be reversed and the case remanded with instructions to vacate Mr. Bishop's convictions and sentence.

Respectfully submitted,

/S/Peter H. Meyers

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Appointed by this Court

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Redacted Brief for Appellant Leonard E. Bishop was served electronically on the office of counsel for Appellee, Chrisellen R. Kolb, Esquire, Appellate Division, U.S. Attorney's Office, and upon counsel for consolidated Appellant Rodney Brown this 2nd day of October 2024.

/S/Peter H. Meyers
Peter H. Meyers