

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 144

September Term, 2016

CARL DARNELL WILLIAMS, JR.

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 8, 2017

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Convicted, by a jury, in the Circuit Court for Harford County, of possession of cocaine, and carrying a concealed, dangerous weapon, Carl Darnell Williams, Jr., contends that the evidence was insufficient to sustain his weapons conviction. We conclude that the issue is not preserved for appellate review and, even if preserved, is without merit.

Williams asserts that the evidence was insufficient to sustain his conviction under Md. Code (2002, 2012 Repl. Vol.), Criminal Law Article, § 4-101(c)(1), which provides that “[a] person may not wear or carry a dangerous weapon of any kind concealed on or about the person.” Having testified that he used the knife only to cut open the bags of cocaine, Williams claims that the State failed to prove that he carried the knife with the intent to use it as a weapon.¹

Maryland Rule 4-324(a) requires that, in moving for judgment of acquittal, “[t]he defendant shall state with particularity all reasons why the motion should be granted.” “A motion which merely asserts that the evidence is insufficient to support a conviction, without specifying the deficiency, does not comply with [Rule 4-324(a)] and thus does not preserve the issue of sufficiency for appellate review. *Montgomery v. State*, 206 Md. App. 357, 385, *cert. denied*, 429 Md. 83 (2012).

Here, in moving for judgment of acquittal after the State rested, defense counsel did not point to any specific reason why the court should enter a judgment of acquittal, but

¹ The court instructed the jury, that in order to convict Williams, the State was required to prove that (1) Williams wore or carried a knife, (2) the knife was concealed on or about his person, (3) he carried the knife with the intent to use it as a weapon, and (4) the knife was a dangerous weapon under the circumstances. *See* Maryland Criminal Pattern Jury Instruction 4:35.1(B).

stated only that it was a “general motion essentially as to all counts arguing that the evidence is insufficient[,]” and then “submit[ted] without argument.” Then, at the close of the evidence, defense counsel renewed the motion only for the “[s]ame reasons” and “adopt[ed] the arguments and reasons from the previous motion.” Consequently, Williams’s claim is unpreserved.

In any event, Williams’s claim that the evidence was not sufficient to establish that he carried the knife with the intent to use it as a weapon is without merit. In addition to being charged with possession of cocaine and carrying a concealed weapon, Williams had been charged with possession of cocaine with intent to distribute. At trial, the State introduced evidence that, at the time of his arrest, Williams had, in his pockets, a plastic bag containing ten, individually wrapped, “white rocks” (which were subsequently determined to be crack cocaine), two cell phones, a “5-inch black kitchen knife,” and \$95 in cash. The State’s expert witness, in the field of narcotics distribution, testified that the manner in which the drugs were packaged was “consistent with a distributor[,]” and explained that drug dealers often carry weapons, “in this case a knife,” which “is used protect their proceeds, or protect their turf from rival drug dealers or just being robbed in general.” Viewed in the “light most favorable to the prosecution,” this evidence was

sufficient for the jury to have concluded that Williams carried the knife with the intent to use it as a weapon.²

It is immaterial that the jury did not convict Williams of possession with intent to distribute. As we recently explained, “[w]hen dealing with the issue of legal sufficiency in a jury trial, we are dealing only with the satisfaction of the burden of production. Was the evidence sufficient, as a matter of law, to permit the judge to submit the case to the jury for its decision?” *Chisum v. State*, 227 Md. App. 118, 125 (2016). In making this determination, “[w]e are not at all concerned with how the factfinder arrived at the verdict, the logic or illogic of the factfinder’s reasoning, but only with the naked verdict itself.” *Id.*

**JUDGMENTS OF THE CIRCUIT COURT
FOR HARFORD COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

² See *Neal v. State*, 191 Md. App. 297, 314, *cert. denied*, 415 Md. 42 (2010) (stating that “[t]he standard for our review of the sufficiency of the evidence is ‘whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’”) (citation omitted).