

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1032

September Term, 2022

LAMONT DUDLEY

v.

STATE OF MARYLAND

Berger,
Arthur,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 4, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*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.

Following a jury trial in the Circuit Court for Baltimore City, Lamont Dudley, appellant, was convicted of wearing, carrying, or transporting a handgun on his person; wearing, carrying, or transporting a loaded handgun on his person; wearing, carrying, or transporting a handgun in a vehicle; wearing, carrying, or transporting a loaded handgun in a vehicle; unlawful possession of a regulated firearm; and unlawful possession of ammunition. His sole contention on appeal is that there was insufficient evidence to sustain his convictions because the State failed to prove that he possessed the firearm recovered by the police.¹ For the reasons that follow, we shall affirm.

In reviewing the sufficiency of the evidence, we ask “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.” *Ross v. State*, 232 Md. App. 72, 81 (2017) (quotation marks and citation omitted). Furthermore, we “view[] not just the facts, but ‘all rational inferences that arise from the evidence,’ in the light most favorable to the” State. *Smith v. State*, 232 Md. App. 583, 594 (2017) (citation omitted). In this analysis, “[w]e give ‘due regard to the [fact-finder’s] findings of facts, its resolution of conflicting evidence, and, significantly, its opportunity to observe and assess the credibility of witnesses.’” *Potts v. State*, 231 Md. App. 398, 415 (2016) (citation omitted).

At trial, Detective Carlin Jointer testified that he and several officers approached a vehicle in which appellant was a passenger. Upon seeing the police, appellant and another passenger exited the vehicle and began running. As appellant opened the car door, he

¹ In his brief, appellant also raised two additional issues. However, he subsequently filed a line withdrawing those issues from our consideration.

“immediately grabbed for his waistband” with his right hand and continued holding it as he was running, which Detective Jointer testified was a characteristic of “an armed person.” During the ensuing chase Detective Jointer testified that he was “focusing on [appellant’s] hands the whole time” and observed appellant pull a “black object out [of his waistband] with his right hand” and toss it to the ground. Detective Jointer immediately picked the object up, and continued to chase appellant till he was arrested several minutes later. The discarded object was later identified as a loaded Glock 30 handgun.

Appellant acknowledges this evidence but asserts that Detective Jointer’s testimony was insufficient because (1) he admitted there might have been other reasons appellant was fleeing; (2) he testified inconsistently about whether he could see appellant’s hands the whole time; (3) his body worn camera did not clearly capture appellant throwing the gun; and (4) there was no DNA evidence obtained from the gun to corroborate his testimony. However, it is “not a proper sufficiency argument to maintain that the jurors should have placed less weight on the testimony of certain witnesses or should have disbelieved certain witnesses.” *Correll v. State*, 215 Md. App. 483, 502 (2013). That is because “it is the [trier of fact’s] task, not the court’s, to measure the weight of the evidence and to judge the credibility of witnesses.” *State v. Manion*, 442 Md. 419, 431 (2015) (quotation marks and citation omitted).

Here, Detective Jointer testified that he observed appellant remove a loaded handgun from his waistband and throw it on the ground. And that evidence, if believed, was sufficient for the jury to find beyond a reasonable doubt that appellant possessed that firearm. *See Reeves v. State*, 192 Md. App. 277, 306 (2010) (“It is the well-established

rule in Maryland that the testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction.”). Ultimately, the jury was aware of the issues that appellant now raises on appeal. And it nevertheless found the testimony of Detective Jointer to be credible. Consequently, we hold that there was sufficient evidence to sustain appellant’s convictions.

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