UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0119

September Term, 2014

CHARLES EDWARD GREEN

v.

STATE OF MARYLAND

Berger,
Nazarian,
Leahy,

JJ.

Opinion by Leahy, J.

Filed: September 4, 2015

Appellant, Charles Green, was convicted by a jury in the Circuit Court for Baltimore County, of robbery with a dangerous weapon, first-degree assault, and use of a handgun in the commission of a crime of violence. He was convicted of three counts of each of these crimes corresponding to three different robbery victims. Appellant was also convicted of a single count of illegal possession of a regulated firearm.

After the jury returned its verdict, the court sentenced Appellant as follows: count I—ten years for robbery with a dangerous weapon as to the first victim; count III—ten years (concurrent to count I) for first-degree assault as to the first victim; count IV—ten years (concurrent to count III) for use of a handgun in the commission of a crime of violence as to the first victim; count VI—five years (consecutive to count IV) for robbery with a dangerous weapon as to the second victim (count VI); count VIII—five years (concurrent with count VI) for first-degree assault as to the second victim; count XI—five years (concurrent to count IX) for robbery with a dangerous weapon as to the third victim; count XIII—five years (concurrent to count XI) for first-degree assault as to the third victim; and, five years concurrent as to each of the remaining counts.[1] As clarified at sentencing, given the consecutive and concurrent sentences imposed, Appellant was to serve ten years, of which five years would be served without the possibility of parole.

Appellant presents five questions for review, as follows:

I. Should Appellant's convictions for assault in the first degree merge into the convictions for armed robbery for sentencing purposes?

[1] The remaining counts involving use of a handgun in the commission of a crime of violence and the single count of illegal possession of a regulated firearm were five-year mandatory minimum sentences, to be served without the possibility of parole.

II. Did the trial court err by admitting evidence of recorded telephone conversations?

III. Did the trial court cause reversible error by denying Appellant's motion for a mistrial after the recorded telephone calls were played before the jury?

IV. Is the evidence legally insufficient to sustain Appellant's convictions?

V. Did the trial court err by proceeding with trial and sentencing on a multiplicitous indictment?

Because we hold that the circuit court should have merged the first-degree assault convictions into the corresponding armed robbery convictions, we vacate Appellant's three sentences for first-degree assault and affirm the remaining judgments.

BACKGROUND

Appellant, charged in a 19-count criminal indictment, stood trial before a jury in the Circuit Court for Baltimore County on February 24 and 25, 2014. The testimony and evidence presented at trial reflected the following.

During the evening hours of July 7, 2013, Avery Clarke, Daquan Gilchrist, and Dajour Frisby were hanging out at Gilchrist's house in Baltimore County. Around midnight, they decided to walk down the street to the 7-11 convenience store on Ingleside Avenue to buy food and drinks. On the way back to Gilchrist's house, they noticed a gold Toyota turn "up one of the corners in front of [them] and then [they watched as the car] turned back around and parked as [they] walked by." Then, three people got out of the car, told Clarke, Gilchrist, and Frisby to "come here[,]" and said not to run.

Clarke, Gilchrist, and Frisby continued to walk towards Gilchrist's house, away from the car, but then the men ran up to them and told them to "get down" or they would

shoot. Clarke, Gilchrist, and Frisby recognized one of the individuals from the neighborhood as a man they knew by the nickname Bookworm. Clarke testified that Bookworm was carrying a silver revolver, but Gilchrist and Frisby did not see a weapon.

According to Clarke, Bookworm pointed the revolver at him, Gilchrist, and Frisby, and told them to empty their pockets. Clarke testified that he did not comply right away, so Bookworm hit him on the side of his head with the gun. Clarke then emptied his pockets, and one of the other individuals who was with Bookworm took his iPhone 4s, the items he purchased from 7-11, and $2 in cash.

Frisby testified that Bookworm did not demand any money, but explained that he willingly took $20 out of his pocket and gave it to Bookworm, so that Bookworm would leave him alone. Frisby admitted that he lost his wallet that night when he went to give Bookworm the money, but he claimed that none of the individuals from the car took it. Gilchrist testified that he did not empty his pockets willingly, but rather, explained that someone, who he was unable to identify, went into his pockets and took his cell phone and wallet. Then, Bookworm and the other two individuals walked away in the direction of where the gold Toyota was parked. Clarke, Gilchrist, and Frisby went back to Gilchrist's house and Gilchrist's brother drove Clarke and Frisby home.

Clarke testified that he and his friends did not initially report the robbery because the men took Frisby's wallet, which had his driver's license, and they were concerned that the men would find Frisby and retaliate. According to Clarke, his parents noticed that he did not have his cell phone, so he told them what happened, and then he went with his father to report the robbery the following day around 5:00 pm. Frisby and Gilchrist were

upset that the incident was reported and that they had to come to court to testify. Frisby testified that he thought he had dropped his wallet at the scene and that he believed there was "no point" to report the incident.

At the precinct headquarters, Clarke "advised [that] Bookworm and Chuckie robbed him with a handgun of his cell phone." Police also interviewed Gilchrist and Frisby about the incident. In the first photo array, Clarke and Frisby identified the man they knew as Bookworm, who was known to police by his legal name, Denzel Mitchell. One of the victims also gave the name of a person he knew as "Chuckie" as someone that was involved in the incident. Through further investigation and research into Bookworm's known contacts, police named Charles Green, Appellant, as a suspect. Based on this information, police prepared a second photo array and Frisby identified Appellant as one of the individuals that was present during the robbery. In a third photo array, Frisby identified another man involved, Derek Sprull.[2]

Officer Shawn Dailey received information from another officer that Bookworm and Chuckie were at the home of Nicole Pierce because Bookworm was in a relationship with her daughter.[3] Officer Daily spoke with Ms. Pierce, and she signed a consent to search form, giving police consent to enter and search her house. When officers executed the search warrant, they found Appellant, Bookworm, and several of Ms. Pierce's children in

[2] Sprull was stopped by police driving a gold Toyota Corolla.

[3] Ms. Pierce testified that she had known Appellant for several years from the neighborhood and through her children, and that he went by the nickname "Chuck".

her home. Police searched the house and recovered Clarke's cell phone from the center bedroom in close proximity to where Appellant and Bookworm were located inside the home. They did not find a gun.

Appellant testified at trial that on July 6, 2013, the day before the incident, he played basketball with Clarke, Frisby, and Gilchrist. He explained that each team wagered $15 and a cell phone on the game and that there were three side bets, which totaled $15.[4] The cell phones involved in the bet belonged to Sprull and Clarke. Appellant and Sprull won the game, defeating Clarke and Gilchrist, and collected their winnings, which included Clarke's cell phone and $45 in cash. According to Appellant, Clarke, Frisby, and Gilchrist, were angry and aggressive after they lost the game. Then, Appellant, Sprull, and Bookworm left in Sprull's gold Toyota Corolla.

According to Appellant, he was at a family barbeque from 9:00 p.m. until 3:00 a.m. on the evening of the incident. He testified that he did not own a gun, that no one was ever threatened with a handgun, and that neither he nor his friends took a wallet or cell phone from Gilchrist.

Detective Easter testified that Appellant told him that he was at a cookout, but admitted that he was drunk and was unable to provide a time frame of when he was there. When Detective Easter asked Appellant about Clarke's cell phone that was found during the search of Ms. Pierce's home, instead of saying that it was part of a basketball wager,

[4] Clarke acknowledged that he played basketball at two locations in his neighborhood and that he brought his phone with him to the games, but he denied placing any bets on the games.

Appellant "became uncooperative and refused to answer any further questions." Appellant denied that he was involved in the robbery and denied telling Detective Robert Easter that he was drunk and could not remember what time he was at the cookout.

Additional facts will be discussed below as they pertain to each question presented.

DISCUSSION

I.

Appellant argues, and the State concedes, that "because the three armed robbery counts are all based on the same act as the assault counts, the latter should merge into the former as lesser included offenses[.]"

"The merger of convictions for purposes of sentencing derives from the protection against double jeopardy afforded by the Fifth Amendment of the federal Constitution and by Maryland common law." *Brooks v. State*, 439 Md. 698, 737 (2014). "Merger protects a convicted defendant from multiple punishments for the same offense." *Id.* "Sentences for two convictions must be merged when: (1) the convictions are based on the same act or acts, and (2) under the required evidence test, the two offenses are deemed to be the same, or one offense is deemed to be the lesser included offense of the other." *Id.*

The Court of Appeals has instructed that the required evidence test, often labeled the "Blockburger test,"[5] focuses upon the elements of each offense; "if all of the elements of one offense are included in the other offense, so that only the latter offense contains a distinct element or distinct elements, the former merges into the latter." *State v. Jenkins*,

[5] *Blockburger v. United States,* 284 U.S. 299 (1932).

307 Md. 501, 517 (1986) (citations omitted). This Court has previously held that, under the required evidence test, first-degree assault is a lesser included offense of robbery with a dangerous and deadly weapon. *Morris v. State,* 192 Md. App. 1, 39-40 (2010) (citing *Williams v. State*, 187 Md. App. 470, 476 (2009)). Accordingly, "[t]he dispositive inquiry is whether appellant's first-degree assault convictions were distinct acts or whether they arose out of the acts of [the] armed robbery[.]" *Id.* at 40.

"The 'same act or transaction' inquiry often turns on whether the defendant's conduct was 'one single and continuous course of conduct,' without a 'break in conduct' or 'time between the acts.'" *Id.* at 39 (quoting *Purnell v. State*, 375 Md. 678, 698 (2003)). "The burden of proving distinct acts or transactions for purposes of separate units of prosecution falls on the State. Accordingly, when the indictment or jury's verdict reflects ambiguity as to whether the jury based its convictions on distinct acts, the ambiguity must be resolved in favor of the defendant." *Id.* (internal citations omitted).

Here, according to Clarke's testimony, the same gun was used to facilitate the armed robbery and the first-degree assault. Clarke testified that Bookworm pointed the gun and said to get down or he would shoot. Then, according to Clarke, Bookworm hit him on the side of his head with the gun, Clarke got down on the ground, and Bookworm's friends took his property.

The court instructed the jury that "[t]o convict the Defendant of a robbery with a dangerous weapon, the State must prove all of the elements of robbery and also must prove that the Defendant committed the robbery by using a dangerous weapon." As to first-degree assault, the court instructed: "the State must prove that the Defendant assaulted

Avery Clarke, Daquan Gilchrist and/or Dajour Frisby and that the Defendant used a firearm to commit the assault or the Defendant intended to cause serious physical injury in commission of the assault." The court, however, did not instruct the jury on how the first-degree assault charges related to the robbery with a dangerous weapon charges and what the jury needed to find in order to convict Appellant of both. *See Gerald v. State*, 137 Md. App. 295, 312 (2001) ("With an ambiguity in the indictment, and non-curative instructions, the first degree assault conviction must indeed merge into the robbery conviction."). We resolve any ambiguity as to whether the jury based its convictions on distinct acts in Appellant's favor. *Morris*, 192 Md. App. at 39.

Under the circumstances, where the convictions for robbery with a dangerous weapon and first-degree assault were based on the same act or acts, and first-degree assault is a lesser included offense of robbery with a dangerous weapon, the court should have merged the sentences for first-degree assault into the sentences for robbery with a dangerous weapon. More specifically, Appellant's convictions for assault in the first degree in counts 3, 8, and 13 should merge into his convictions for armed robbery in counts 1, 6, and 11. Accordingly, we vacate each of Appellant's sentences for first-degree assault. *See Carroll v. State*, 202 Md. App. 487, 518 (2011) ("[W]here merger is deemed to be appropriate, this Court merely vacates the sentence that should be merged without ordering a new sentencing hearing.").

II.

On the morning of the second day of trial, through the use of the Inmate Calling Solutions program, Detective Easter found several calls made by Appellant to a woman

named Taylor Brown between 5:25 and 7:30 p.m. the previous evening. Detective Easter downloaded the phone calls and turned the recordings over to the State.

Both parties informed the court about the jail call recordings, and defense counsel objected to the admission of the recordings because he had "just learned of it[.]" Defense counsel also made a motion to redact any reference made by Appellant on the recording to his incarceration for a prior offense and any reference that his co-defendants both pleaded guilty in the case. The State agreed that the recordings should be redacted. The trial court granted the motion to redact, but it overruled defense counsel's objection to the admissibility of the evidence.

Thereafter, the State asked permission to play the calls, and defense counsel objected, stating: "I don't think there's been sufficient foundation to demonstrate that the content that [the prosecutor] has there has not been altered, changed or communicated, or inter-communicated with other calls. I don't think there's sufficient foundation for the admissibility." The court overruled the objection and the redacted version of the jail calls were played for the jury. Ultimately, the redacted calls were admitted into evidence without objection from defense counsel.

Appellant argues that the court erred by admitting the recorded telephone conversations because defense counsel "did not have adequate time to prepare to contest its admissibility[,]" the evidence was not relevant, and, even if the phone calls were relevant, the disclosure of the phone calls was prejudicial to Appellant. The State responds that the claims were not preserved for review, but, even if they were, the trial court did not abuse its discretion in admitting the phone calls.

Maryland Rule 8-131(a) provides, in pertinent part:

> Ordinarily, the appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal.

Pursuant to Maryland Rule 4-323(a), "The grounds for the objection need not be stated unless the court, at the request of a party or on its own initiative, so directs." "Thus, a party basing an appeal on a general objection to admission of certain evidence, may argue *any* ground against its inadmissibility." *DeLeon v. State*, 407 Md. 16, 24-25 (2008) (emphasis in original) (internal quotation marks omitted). "An objection loses its status as a 'general' one 'where a rule requires the ground to be stated, where the trial court requests that the ground be stated, and 'where the objector, although not requested by the court, voluntarily offers specific reasons for objecting to certain evidence[.]'" *Id.* at 25 (emphasis omitted) (quoting *Boyd v. State*, 399 Md. 457, 476 (2007)). When specific grounds are stated for an objection, the party "is limited to the grounds explicitly raised in the trial court." *Id.*

At trial, defense counsel objected to the admission of the recordings because he had "just learned of it" and because there was not "sufficient foundation for the admissibility." Appellant did not argue, as he does now on appeal, that the evidence was not relevant, and that even if relevant, the probative value was outweighed by the prejudice. Accordingly, Appellant is limited to the grounds he raised at trial, and any new arguments are not preserved for appeal.

Our review, therefore, is limited to Appellant's timing argument, which was raised before the trial court.[6] Appellant argues that he did not have sufficient time to prepare arguments contesting the admissibility of the phone calls. Appellant, however, never requested a continuance or asked the court for additional time to listen to the tapes or prepare for argument. Defense counsel also acknowledged that he had the opportunity to listen to the recorded conversations several times, and conceded, as he must, given the very nature of the newly created evidence, that the State had just learned of it as well. The record also reflects that defense counsel was successful in arguing that certain portions of the recordings should be redacted and Appellant does not state what, if anything, he would have argued differently had defense counsel been given additional time to prepare. It is well settled that rulings as to the admissibility of evidence are left to the sound discretion of the trial court. *Mines v. State*, 208 Md. App. 280, 291 (2012). Under the circumstances, we hold that the court did not abuse its discretion in admitting the redacted phone conversations.

III.

After the redacted jail calls were played for the jury, defense counsel requested to approach the bench and stated: "Your Honor, I feel compelled to ask for a mistrial. I don't believe the content of that tape involving Co-Defendant Mr. Mitchell should have been admitted, don't think it should have been played." Defense counsel argued that the introduction of Appellant's statement that the State was going after Bookworm was unduly

[6] Appellant does not raise his foundation argument on appeal.

prejudicial. The State explained: "There was a reference to Worm, Your Honor, when it was talked about, again, they were asking if they I.d.'d [sic] him and he just talked about them talking about Worm, being the witnesses, they had it for Worm, not him. So it wasn't talking about Worm's deal."

The court listened to the entire recording a second time, outside of the jury's presence. The portion of the recording pertaining to the motion for mistrial is the following:

> [APPELLANT]: Yeah. …they surprised me, for real. I thought they was going to come in there and fold (inaudible).
>
> VOICE: (inaudible)
>
> [APPELLANT]: Yeah, I thought, yeah, I thought they was going to stick to their story.
>
> VOICE: Huh?
>
> [APPELLANT]: I said, I thought they was going to stick to their story. Yeah.
>
> VOICE: Yeah.
>
> [APPELLANT]: Yeah, but they, they only (inaudible) they ain't tripping on me, they, they want Worm head, they want his neck, so.
>
> VOICE: (inaudible) why they saying that, if they know that you didn't do it, why they still, why aren't you acquitted?
>
> [APPELLANT]: Because the State's Attorney, she trying to play hardball, for real, she praying she get a conviction. She came and then offered me twenty and, and, and, and, and, and I thought go to hell, you know what I mean? (inaudible).

The court confirmed that this was the portion of the call that defense counsel referred to in his motion for mistrial and denied the motion. Subsequently, the redacted calls were admitted into evidence without objection from defense counsel.

Appellant argues that the court erred in denying the motion for mistrial because the court admitted portions of the recording that it had agreed to exclude. Appellant also argues that the evidence was irrelevant and that he was prejudiced by the mention of his co-defendant and the plea offer he received from the prosecutor. The State responds that "the extraordinary remedy of a mistrial was not warranted in this case, [because] the trial court did not abuse its discretion."

"'[A] mistrial is generally an extraordinary remedy and . . . under most circumstances, the trial judge has considerable discretion regarding when to invoke it.'" *Whack v. State*, 433 Md. 728, 751-52 (2013) (quoting *Powell v. State*, 406 Md. 679, 694 (2008)). "Ordinarily, the exercise of that discretion will not be disturbed upon appeal absent a showing of prejudice to the accused, and [i]n order to warrant a mistrial, the prejudice to the accused must be real and substantial." *Wagner v. State,* 213 Md. App. 419, 462 (2013) (quoting *Washington v. State*, 191 Md. App. 48, 99 (2010)) (internal quotation marks omitted). "The determining factor as to whether a mistrial is necessary is whether 'the prejudice to the defendant was so substantial that he was deprived of a fair trial.'" *Kosh v. State*, 382 Md. 218, 226 (2004) (quoting *Kosmas v. State*, 316 Md. 587, 594-95 (1989)).

In the instant case, the trial court did not abuse its discretion by denying Appellant's motion for mistrial. First, the portion of the recording complained of by Appellant was not

part of the agreed upon redaction. The court agreed to redact any discussion of Appellant's co-defendants pleading guilty, as well as any discussion of Appellant's incarceration for a prior offense. The court did not agree, and defense counsel did not ask, to redact every single mention of Appellant's co-defendants. As the State explained, Appellant did not discuss Bookworm's plea deal, but rather "talked about them talking about Worm, being the witnesses, they had it for Worm, not him."

Further, as Appellant argues, Appellant fails to show that he suffered prejudice so severe as to deprive him of a fair trial. Appellant contends that the mention of "Worm" and the mention of the plea offer made to Appellant "may well have led the jury to consider extraneous issues[.]" This is not the sort of "real and substantial" prejudice that would warrant the granting of a mistrial. Accordingly, under these circumstances, the trial court did not abuse its discretion in denying the motion for mistrial.

IV.

At the close of the State's case, defense counsel made a motion for judgment of acquittal and argued, as to each of the counts: "In this case, there's no evidence that any weapon was used, other than the bare assertion of Mr. Avery Clarke, who's advice in this trial about things that happened are flawed with contradictions by his two cohorts with respect to exactly where they were and what happened." As a result, defense counsel asked the court to find that there was insufficient evidence to convict Appellant of the three counts of armed robbery, three counts of first degree assault, three counts of use of a firearm in a crime of violence, and the remaining firearm possession counts. The court denied the motion.

Defense counsel renewed his motion at the close of all the evidence, again arguing that there was insufficient evidence of a gun involved to submit the case to the jury. The court explained that defense counsel's arguments went to the weight of the testimony, and therefore, denied the motion.

Appellant argues that the evidence was insufficient to support his convictions "[i]n light of the discrepancies in the witnesses' accounts, their inability to identify Appellant at trial, and the failure of police investigators to uncover tangible evidence linking him to the robbery[.]" Appellant admits that the testimony of a single eyewitness, if believed, is sufficient to sustain a criminal conviction, but still asks this court to find that the evidence was insufficient. The State responds that none of Appellant's insufficiency arguments were preserved for review, but that, even if they were preserved, the evidence was legally sufficient to support Appellant's convictions.

Maryland Rule 4-324(a) requires a defendant to "state with particularity all reasons why the motion [for judgment of acquittal] should be granted." "This means that a defendant must 'argue precisely the ways in which the evidence should be found wanting and the particular elements of the crime as to which the evidence is deficient.'" *Arthur v. State*, 420 Md. 512, 522 (2011) (quoting *Starr v. State*, 405 Md. 293, 303 (2008)). "Accordingly, a defendant 'is not entitled to appellate review of reasons stated for the first time on appeal.'" *Id.* at 523 (quoting *Starr*, 405 Md. at 302).

At trial, defense counsel argued that there was insufficient evidence that there was a gun involved. Appellant did not argue any of the bases that he now raises on appeal before the trial court. Accordingly, this issue is not preserved for appellate review. Even

if this issue were preserved, however, we would still conclude that the evidence was sufficient to support Appellant's convictions.

"In reviewing a question regarding the sufficiency of the evidence presented at trial, the primary question we ask is 'whether, after viewing 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.'" *Haile v. State*, 431 Md. 448, 465 (2013) (quoting *State v. Smith*, 374 Md. 527, 533 (2003)). As an appellate Court, "'[w]e do not re-weigh the evidence,' but, instead, seek to determine 'whether the verdict was supported by sufficient evidence, direct or circumstantial, which could convince a rational trier of fact of the defendant's guilt of the offenses charged beyond a reasonable doubt.'" *Id.* at 466 (quoting *Smith*, 374 Md. at 534). "Because the fact-finder possesses the unique opportunity to view the evidence and to observe first-hand the demeanor and to assess the credibility of witnesses during their live testimony, we do not re-weigh the credibility of witnesses or attempt to resolve any conflicts in the evidence." *Tracy v. State*, 423 Md. 1, 12 (2011) (quoting *Smith v. State*, 415 Md. 174, 185 (2010)) (internal citations omitted).

Here, as Appellant concedes, "it is well established in Maryland that the testimony of even a single eyewitness, if believed, is sufficient evidence to support a conviction." *Marlin v. State*, 192 Md. App. 134, 153 (2010), *cert. denied*, 415 Md. 339. If the jury believed Clarke's testimony that Bookworm used a gun during the commission of the robbery and credited the police officer's testimony that both Clarke and Frisby identified Appellant as one of the individuals involved, there was sufficient evidence to support Appellant's convictions. After viewing the evidence in the light most favorable to the

State, there was sufficient evidence for a rational juror to find that Appellant was involved in the robbery and, under the conspirator liability theory, that he possessed a gun during the commission of the crime. *See Armstead v. State*, 195 Md. App. 599, 646 (2010) ("[A] conspirator is liable for an act of a coconspirator not only when such act was part of the original plan but also when it was a natural and probable consequence of a carrying out of the plan." (internal quotation marks omitted)). The court, therefore, did not err in denying defense counsel's motion for judgment of acquittal.

V.

Finally, Appellant argues that "the indictment used to bring the charges against him in this case was defective because it was multiplicitous." Appellant admits that this claim was waived because it was not raised below, but states that "his main goal is to have at least eight years vacated from the sentences imposed by the trial judge." The State agrees that this claim was waived and argues that, as a result, it should not be addressed on appeal.

Maryland Rule 4-252 provides, in pertinent part:

> **(a) Mandatory Motions.** In the circuit court, the following matters shall be raised by motion in conformity with this Rule and if not so raised are waived unless the court, for good cause shown, orders otherwise:
>
> * * *
>
> (2) A defect in the charging document other than its failure to show jurisdiction in the court or its failure to charge an offense;
>
> * * *
>
> **(b) Time for Filing Mandatory Motions.** A motion under section (a) of this Rule shall be filed within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the court pursuant to

> Rule 4-213 (c), except when discovery discloses the basis for a motion, the motion may be filed within five days after the discovery is furnished.

Here, as Appellant concedes, any potential defect in the charging document was not raised in a pretrial motion, and accordingly, Appellant waived his right to argue this issue on appeal. Even if Appellant had filed a timely motion, when there are multiple victims involved, multiple convictions for robbery with a deadly weapon and use of a handgun in the commission of a crime of violence are permitted. *See Garner v. State*, 442 Md. 226, 243 (2015) ("[W]here there are multiple victims, multiple convictions and sentences for use of a handgun in the commission of a crime of violence are permissible."); *Williams v. State*, 187 Md. App. 470, 478 (2009). Accordingly, the charging document in this case was not multiplicitous.

JUDGMENTS OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED IN PART AND VACATED IN PART. SENTENCES FOR THE THREE COUNTS OF FIRST-DEGREE ASSAULT VACATED; JUDGMENTS OTHERWISE AFFIRMED IN ALL OTHER RESPECTS. COSTS TO BE PAID EIGHTY PERCENT BY APPELLANT AND TWENTY PERCENT BY BALTIMORE COUNTY.