

Circuit Court for Baltimore City
Case No. 116015004

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 571

September Term, 2021

DEONTA JONES

v.

STATE OF MARYLAND

Graeff,
Zic,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 25, 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, Deonta Jones, appellant, was convicted of conspiracy to commit second-degree assault. On appeal, he contends that there was insufficient evidence to sustain his conviction. 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) (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) (quoting *Abbott v. State*, 190 Md. App. 595, 616 (2010)). 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) (quoting *Harrison v. State*, 382 Md. 477, 487–88 (2004)).

Appellant contends that there was insufficient evidence to sustain his conviction because the State failed to prove that there was an agreement between himself and another person to commit an assault. The State disagrees, as do we. Conspiracy, a common law crime, is defined as the “combination of two or more persons to accomplish some unlawful purpose, or to accomplish a lawful purpose by unlawful means. The essence of a criminal conspiracy is an unlawful agreement.” *Mitchell v. State*, 363 Md. 130, 145 (2001) (quotation marks and citations omitted). “The agreement need not be formal or spoken, provided there is a meeting of the minds reflecting a unity of purpose and

design.” *Khalifa v. State*, 382 Md. 400, 436 (2004) (quotation marks and citation omitted).

Rather, we have stated:

In conspiracy trials, there is frequently no direct testimony, from either a co-conspirator or other witness, as to an express oral contract or an express agreement to carry out a crime. It is commonplace that we may infer the existence of a conspiracy from circumstantial evidence. If two or more persons act in what appears to be a concerted way to perpetrate a crime, we may, but need not, infer a prior agreement by them to act in such a way. From the concerted nature of the action itself, we may reasonably infer that such a concert of action was jointly intended. Coordinated action is seldom a random occurrence.

Jones v. State, 132 Md. App. 657, 660 (2000). As to the State’s burden of proof: “It is sufficient if the parties tacitly come to an understanding regarding the unlawful purpose.” *Dionas v. State*, 199 Md. App. 483, 532 (2011) (quotation marks and citation omitted), *rev’d on other grounds*, 436 Md. 97 (2013). Thus, the State is “only required to present facts that would allow [a] jury to infer that the parties entered into an unlawful agreement.” *Acquah v. State*, 113 Md. App. 29, 50, 686 A.2d 690 (1996) (citation omitted).

Viewed in a light most favorable to the State, the evidence at trial demonstrated that the victim was at a store near his house when a group of people that he knew approached him and told him that “he owed them money.” Appellant and Rovanna Cornish were two members of that group. After the victim left the store, he received a text from one of the members of the group stating that “they were going to be at my house.” While riding home, the victim saw appellant, Cornish, and approximately eight other people walking down the street. According to the victim, Cornish was the only member of the group who knew where he lived.

Shortly after the victim arrived at his residence, he heard “like a bang, bang, bang” as if someone was “trying to kick in [the] door.” The victim then came downstairs and saw appellant looking through the mail slot in his door. In response, the victim grabbed his handgun, opened the front door, and pointed the handgun at appellant, who was standing on his front porch. The remaining members of the group, including Cornish, were standing in front of the steps leading to his house. Appellant testified that when he opened the door, he observed Cornish holding a gun.

The victim asked appellant and the other members of the group what they were doing and told appellant to get off the porch. When appellant started to back away, the victim turned to go back inside, but as he did so, he continued to look behind him to see what the members of the group were doing. At this point, he noticed that appellant was also holding a gun. The victim was then shot twice in the right arm, after which the group fled the scene. The victim testified that appellant was the person who shot him, but that he didn’t know if Cornish had also fired his gun. However, shortly after the incident, the victim told the police that Cornish had also shot him.

Under these facts, we are persuaded that the State presented sufficient evidence that appellant acted in concert with Cornish in shooting the victim. *See generally Jones*, 132 Md. App. at 661-64 (holding that there was sufficient evidence of a conspiracy where, among other things, the defendants emerged from an alley together and approached the victim). Appellant contends that the State failed to prove a meeting of the minds between Cornish and appellant because Cornish’s intent was “unclear and unproven.” Specifically,

appellant notes that Cornish did not say anything during the incident and did not enter the victim’s porch. But the jury could reasonably infer that both men had tacitly agreed to assault the victim based on the evidence that they were members of the group who confronted the victim about money that he allegedly owed them; Cornish was the only member of the group who knew where the victim lived; both men went to the victim’s house together armed with handguns; Cornish remained at the scene as appellant was banging on the victim’s front door; and the victim immediately observed a firearm in Cornish’s hand upon opening his door.¹ Consequently, we shall affirm the judgment of the circuit court.

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

¹ Appellant notes that although Cornish was also charged with the shooting, “the outcome of [his] prosecution is unclear.” However, the outcome of Cornish’s prosecution is irrelevant as “the rule of consistency does not apply to separate trials of co-conspirators.” *State v. Johnson*, 367 Md. 418, 425 (2002).