

Circuit Court for Baltimore City
Case No. C-24-CR-25-002112

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 651

September Term, 2025

KELSEY HUMMER

v.

STATE OF MARYLAND

Graeff,
Friedman,
Raker, Irma S.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: July 16, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to MD. RULE 1-104(a)(2)(B).

Appellant Kelsey Hummer appeals her conviction for failing to register as a gun offender under the Baltimore City Code. Although Hummer challenges the circuit court’s decision to permit the State to amend the charging document, the State concedes that her conviction must be reversed for a more fundamental reason: her underlying conviction for conspiracy to possess a firearm is not a “gun offense,” so the evidence was insufficient to establish that she was a “gun offender” who was required to register. We accept the State’s concession and reverse.

FACTS

While on probation for a conviction of second-degree assault, Hummer attempted to obtain a firearm. She was charged with and pleaded guilty to conspiracy to possess a firearm after a previous conviction for a crime of violence. Hummer was sentenced to incarceration for a period of ten years with all but eight months suspended, to be followed by two years of supervised probation. She was also ordered to register as a gun offender with the Baltimore Police Department upon release, but failed to successfully do so.

The State then charged Hummer with failing to register as a gun offender. After a bench trial, Hummer was convicted. She now appeals.

ANALYSIS

Hummer’s sole contention on appeal is that the circuit court erred in granting the State’s motion to amend the charging document.¹ The State, however, concedes error on a

¹ We reverse Hummer’s conviction on the sufficiency of the evidence, which precludes retrial. *See Benton v. State*, 224 Md. App. 612, 629 (2015). As a result, we do not address her argument about the amended charging document.

different ground: that there was insufficient evidence to support Hummer's failure-to-register conviction. The State contends that a conviction for conspiracy to possess a firearm is not, itself, a gun offense requiring registration. We accept the State's concession and reverse Hummer's conviction for failure to register.

When we review a sufficiency of the evidence claim, we must determine if, in the light most favorable to the State, any rational factfinder could have found that the essential elements of the crime were established beyond a reasonable doubt. *Moye v. State*, 369 Md. 2, 12 (2002).

Here, Hummer was convicted of violating a Baltimore City law that requires an individual convicted of a gun offense in Baltimore City to register as a gun offender. BALT. CITY CODE § 19-60-10(2) (requiring a "gun offender" to register); BALT. CITY CODE § 19-60-1(d)(1) (defining "gun offender" as "any person who is convicted of a gun offense in the Circuit Court for Baltimore City"). A "gun offense" is a conviction under an exhaustive list of Baltimore City Code and Maryland Code provisions. BALT. CITY CODE § 19-60-1(e). One gun offense on the list is a conviction for possession of a firearm after a prior conviction for a crime of violence under MD. CODE, PUB. SAFETY ("PS") § 5-133(c). BALT. CITY CODE § 19-60-1(e)(2)(vii).

But, as the State concedes, Hummer's conviction for *conspiracy* to possess a firearm after a prior conviction for a crime of violence is not a qualifying gun offense. "[A] conspiracy to commit a crime is entirely separate from the substantive crime." *Alston v. State*, 414 Md. 92, 114 (2010). So although the substantive crime of possession of a firearm after a prior conviction is a "gun offense" under the Baltimore City Code, *conspiracy* to

possess that firearm is a separate crime that is absent from the City Code’s list of “gun offenses” that require registration. *See* BALT. CITY CODE § 19-60-1(e). Hummer was thus not convicted of a qualifying gun offense and is not, therefore, a gun offender for purposes of registration. In the light most favorable to the State, no rational factfinder could have found that this essential element—Hummer’s status as a “gun offender”—of the failure to register conviction was established beyond a reasonable doubt. As a result, we conclude that there was insufficient evidence to convict Hummer, and we reverse her conviction for failure to register as a gun offender.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY IS REVERSED.
COSTS TO BE PAID BY THE MAYOR AND
CITY COUNCIL OF BALTIMORE.**