Circuit Court for Charles County
Case No. C-08-CR-23-000882

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0652

September Term, 2024

SHAUN D'LAJUWON WILLIAMS

v.

STATE OF MARYLAND

Ripken,
Kehoe, S.,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: October 22, 2025

*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 Rule 1-104(a)(2)(B).

In April of 2024, a jury in the Circuit Court for Charles County found Shaun D'Lajuwon Williams ("Appellant") guilty of multiple offenses, including assault in the second degree, false imprisonment, conspiracy to commit armed robbery,[1] and related firearm offenses. The circuit court imposed an aggregate sentence of forty years' incarceration, suspending all but eight years. Appellant noted this timely appeal and presents the following issues for our review:[2]

I. Whether the evidence was sufficient to convict Appellant of second-degree assault.

II. Whether the evidence was sufficient to convict Appellant of conspiracy to commit armed robbery.

For the reasons to follow, we shall affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The following facts were elicited at trial. In November of 2023, Kaneil Collins ("the victim") was staying at a townhouse which was used as a residence by multiple transient individuals. Tension in the house rose earlier that day when another resident's gun was discovered to be missing, prompting the victim to leave the townhouse to avoid the hostile environment. Later that evening, the victim returned to the townhouse with his girlfriend,

[1] Appellant was also convicted of conspiracy to commit robbery and conspiracy to commit theft. The court merged all conspiracy convictions into the conviction for conspiracy to commit armed robbery.

[2] Rephrased from:

> Was The Evidence Sufficient To Sustain The Conviction For Assault In The Second Degree?
>
> Was The Evidence Sufficient To Sustain The Conviction For Conspiracy To Commit Armed Robbery?

Karissa Chancio ("Chancio"), to retrieve his belongings. Chancio waited outside the townhouse in the car while the victim entered the residence carrying his brother's gun, a Beretta 9mm ("Beretta"), which he indicated he needed "because there was a lot going on." At approximately the same time that the victim went in, Daquan Brown ("Brown") also entered the townhouse.

Inside the residence, the victim found his belongings in disarray. Brown then approached the victim and asked him to "talk in the back room" about the missing gun. The victim initially refused; however, the pair eventually moved to the kitchen to continue the discussion. Towards the side of the kitchen was the townhouse's laundry room, where Brown sat on a bucket with his extended-clip Glock-like firearm[3] ("Glock") while the victim stood against the back wall of the kitchen. Brown questioned the victim about the missing gun, displaying to him his Glock and asking to see the victim's gun. Two other men then approached the kitchen and stood in the entryway. They were each holding a gun: a brown handgun[4] ("brown gun") and a Hi-Point handgun ("Hi-Point"). One of these two men was Appellant. The other was Treshaun Williams ("T. Williams"), Appellant's brother.[5]

[3] The Glock was privately made; therefore, it is what is commonly referred to as a "ghost gun." *See Ghost Gun*, Merriam-Webster, https://perma.cc/NHF6-JLLA (defining a ghost gun as "a gun that lacks a serial number by which it can be identified and that is typically assembled by the user (as from purchased or homemade components)").

[4] The victim describes this gun interchangeably as "brown" and "tan" throughout his testimony; we refer to it as the "brown gun" only for clarity.

[5] Because they share a last name, we refer to Treshaun Williams using his first initial to avoid confusion with Appellant.

Brown, Appellant, and T. Williams continued to question the victim and demanded to see his weapon. Eventually, the victim unloaded the Berretta that he had and gave the bullets and unloaded gun to Brown. Once he did so, the trio started laughing and stating that the victim "just got beat[.]" T. Williams then took the victim's designer bag from his shoulder. The three men offered to sell the victim back his own gun, telling him to open his phone so that he could send them the money electronically. When the victim refused, one of the men punched the victim in the head. The victim had been texting Chancio throughout the encounter, and at this point, he directed her to call the police.

Officers from the Charles County Sheriff's Department arrived on scene while Chancio was still on the phone with the 911 operator. When occupants of the townhouse noticed that police were outside, Brown, Appellant, and T. Williams "started scrambling" to "put stuff up[.]" The victim testified that he saw "one [of the men] go in[to] the laundry room and [mess] with the ceiling."

Officers on site ordered all individuals out of the townhouse. Brown, Appellant, and T. Williams were the last to leave the residence and "were actually tucked behind a wall and didn't identify themsel[ves] until after everybody [else] was out of the residence." Officers recovered the Beretta, Hi-Point, and Glock from the laundry room. The brown gun was not recovered.

In December of 2023, a grand jury indicted Appellant on charges of robbery with a deadly weapon, first and second-degree assault, false imprisonment, unlawful possession of a regulated firearm, conspiracy to commit armed robbery, conspiracy to commit robbery,

conspiracy to commit theft, and other related charges. In April of 2024, a four-day trial was held before a jury.

Following the State's case-in-chief, Appellant moved for judgment of acquittal. In his motion, Appellant argued that the State failed to prove that Appellant: threatened, or actually used, force sufficient for either the robbery or armed robbery charges; used a firearm sufficient for the use of firearm charges; used a firearm or caused serious bodily injury sufficient for the first-degree assault or handgun on person charges; stole anything of value sufficient for the theft charge; or had a meeting of the minds with his co-conspirators sufficient for the conspiracy charges. The circuit court denied Appellant's motion as to all counts. Following the defense's case-in-chief, Appellant renewed the motion for judgment of acquittal, incorporating their previous arguments. The circuit court again denied the motion as to all counts and submitted the case to the jury. The jury found Appellant guilty of assault in the second degree, false imprisonment, possession of a regulated firearm while under twenty-one, conspiracy to commit armed robbery, conspiracy to commit robbery, and conspiracy to commit theft.

In May of 2024, Appellant was sentenced. The trial court ordered an aggregate sentence of forty years' incarceration, suspending all but eight years, and merging all conspiracy counts into conspiracy to commit armed robbery.[6] Appellant subsequently noted this timely appeal. Additional facts are provided below as relevant.

[6] *See supra* n.1.

DISCUSSION

I. APPELLANT'S CHALLENGE TO THE SUFFICIENCY OF THE EVIDENCE SUPPORTING THE SECOND-DEGREE ASSAULT CONVICTION IS UNPRESERVED FOR REVIEW.

A. Party Contentions

Appellant contends that there was insufficient evidence to sustain his conviction for second-degree assault under either the battery or intent-to-frighten modality of the charge.[7] Appellant bases this contention on the theory that the victim's testimony at trial purportedly failed to identify Appellant as the assailant; hence, he contends there was no connection to the battery. Moreover, he asserts that the victim knew that any guns proven to be in the Appellant's possession were unloaded and not pointed at him. Thus, Appellant argues that there was no reasonable apprehension of harm.

Appellant concedes that the arguments discussed above were not raised at trial "for the obvious reason that trial counsel assumed that [the victim] identified [Appellant] as the batterer." Nevertheless, Appellant asserts that this issue is preserved for appeal because defense counsel included the concern about the absence of identification during the motion for judgment of acquittal on the robbery charges. Appellant also contends that, to the extent

[7] "Our case law embraces three types of common law assault: (1) [intent-to-frighten], (2) attempted battery, and (3) battery." *State v. Frazier*, 469 Md. 627, 644 (2020) (internal quotation marks and citations omitted). "Under Maryland common law, an assault of the battery variety is committed by causing offensive physical contact with another person." *Nicolas v. State*, 426 Md. 385, 403–04 (2012) (citations omitted). The intent-to-frighten type of assault has three elements: first, "that the defendant commit an act with the intent to place another in fear of immediate physical harm[;]" second, that "the defendant had the apparent ability, at that time, to bring about the physical harm[;]" and third, that "[t]he victim must be aware of the impending battery." *Hammond v. State*, 257 Md. App. 99, 126 (2023).

the claim is unpreserved, this Court should consider the sufficiency claim for assault because doing so is in the interest of judicial efficiency to avoid a post-conviction ineffective assistance of counsel proceeding.

The State asserts that this issue is not preserved for appeal, and even if it were, there was sufficient evidence to convict Appellant of second-degree assault. The State contends that Appellant's counsel explicitly conceded that the evidence was sufficient to support the second-degree assault charge and otherwise made no particularized argument on that issue. Further, the State adds that Appellant's judicial efficiency argument fails because ineffective assistance of counsel claims are generally appropriate only in post-conviction settings, not direct appeals. Finally, the State asserts that if this Court were to consider the merits, the evidence presented at trial was sufficient to support a conviction under both modalities of second-degree assault because the victim identified Appellant as his batterer and an unloaded gun can be a basis for reasonable apprehension of harm.

B. Standard of Review

Appellate courts generally "will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court." *Small v. State*, 235 Md. App. 648, 696 (2018) (quoting Md. Rule 8-131(a)), *aff'd*, 464 Md. 68 (2019). Maryland Rule 4-324(a) adds that to successfully preserve the issue of sufficiency of the evidence for appeal, a defendant must, at trial, move for judgment of acquittal and "state with particularity all reasons why the motion should be granted." *See Cagle v. State*, 235 Md. App. 593, 604 n.1 (2018). *See also Whiting v. State*, 160 Md. App. 285, 208 (2004). "The language of Rule 4–324(a) is mandatory, and review of a claim of insufficiency is available

only for the reasons given by appellant in his motion for judgment of acquittal." *Cagle*, 235 Md. App. at 604 (citation and internal quotation marks omitted). *See also Starr v. State*, 405 Md. 293, 302–03 (2008) ("A criminal defendant who moves for judgment of acquittal is required by Md. Rule 4-324(a) to state with particularity all reasons why the motion should be granted[,] and is not entitled to appellate review of reasons stated for the first time on appeal.") (citations and internal quotation marks omitted).

C. Analysis

As a threshold issue, we begin with the question of preservation. To preserve a sufficiency claim, a defendant must argue before the trial court "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, 522–23 (2011) (citing *Starr*, 405 Md. at 303). A party may present a more detailed version of their trial motion on appeal; however, the appellate court will not find that the trial court abused its discretion because it did not "imagine all reasonable offshoots of the argument actually presented to them. . . ." *Id.* at 523 (citation and internal quotation marks omitted).

Appellant contends that defense counsel's sufficiency argument surrounding the victim's identification of Appellant, made regarding the armed robbery charge, preserves the same identification argument regarding the second-degree assault charge brought on appeal. We disagree.

"A criminal defendant who moves for judgment of acquittal . . . is not entitled to appellate review of reasons stated for the first time on appeal." *Starr*, 405 Md. at 302. *See also Muir v. State*, 308 Md. 208, 218–19 (1986); *State v. Lyles*, 308 Md. 129, 135 (1986).

Maryland Rule 4-324(a) does not require that each argument be stated exactly in trial as it is on appeal; nonetheless, it necessitates at least a conceptual connection between the context of the statements at trial and the argument made on appeal. *See Williams v. State*, 173 Md. App. 161, 167–68 (2007).

Two cases are illustrative. In *Williams*, the defendant was charged with three counts of failure to return a rental vehicle. During the motion for judgment at trial, the defendant argued that he *intended* to return the vehicles. *Id.* Although the defendant's trial motion did not specifically mention *mens rea*, this Court held that the legal sufficiency of the *mens rea* element of the charge was preserved because the argument at trial, in context, appeared to relate to the defendant's state of mind. *Id.*

In contrast, in *Arthur*, the defendant was charged with failure to obey a lawful order and resisting arrest. *Arthur*, 420 Md. at 515–16. At trial, the defendant unsuccessfully moved for judgment of acquittal, arguing that he had a right to resist arrest and that the order was generally unlawful. *Id.* at 519. This Court held that the issue of legal sufficiency of the evidence was unpreserved because the defendant appealed on First Amendment grounds, which were not conceptually related to his arguments at trial. *Id.* at 522–25 (citations omitted).

Here, Appellant's trial counsel argued the following in the motion for judgment of acquittal as to robbery and as to first degree assault:

> So, you know, [r]obbery basically, according to the case law and the statute is defined as the felonious taking and carrying away of personal property from another by use of violence or by putting in fear. The Courts have been very clear it's a specific intent crime, so there essentially has to be either force or the threat of force. And Your Honor is I realize looking at this in the

> light most favorable to the State, but *[the victim] on Monday was not at all I think clear about what it's alleged that [Appellant] really even did in this case . . .*
>
> The Count of [f]irst[-][d]egree [a]ssault, I don't believe the State has put on evidence of [f]irst[-][d]egree [a]ssault in the light most favorable to the State. *Your Honor may find that his testimony demonstrated a [s]econd[-][d]egree [a]ssault*, but a [f]irst[-][d]egree [a]ssault there has to be either the use of a firearm or serious bodily injury. There's been no testimony about serious bodily injury and [the victim] did not say that [Appellant] used a firearm at all in this sort of alleged assault where he used the firearm against my client.

(emphasis added).

Unlike in *Williams*, the relevant motion for judgment of acquittal in this matter does not contextually connect to the arguments Appellant raises on appeal. *See Williams*, 173 Md. App. at 167–68. Rather, on appeal, Appellant challenges the sufficiency of the evidence regarding the second-degree assault conviction for the first time. Indeed, defense counsel conceded that the evidence adduced at trial likely sufficed for the jury to convict Appellant of second-degree assault. Moreover, at trial, defense counsel contested the sufficiency of the robbery charges and, although rooted in the same reasoning as Appellant's claims here, the arguments were not conceptually related. The arguments at trial, and now on appeal, relate to different charges with different elements; thus, they cannot be contextually related. Making that connection now is to ask this court to ignore the particularity requirement and "imagine all reasonable offshoots of the argument actually presented." *Arthur*, 420 Md. at 522–23. For the foregoing reasons, we find that this issue is unpreserved.

Appellant asserts that even if the issue is not stated with particularity, this Court should exercise discretion to review the contention on the merits in the interest of judicial

efficiency. The State counters, stating that, although we have on rare occasions conducted such a review, the proper channel for this claim is in post-conviction proceedings. We agree with the State.

This Court may review unpreserved issues in favor of judicial efficiency. *See Walczak v. State*, 302 Md. 422, 427 (1985); *Smith v. State*, 69 Md. App. 115, 122 (1986) ("Ordinarily, we would decline to address an issue not raised on appeal, but we exercise our discretion to do so in this case in the interest of judicial economy and to avoid an *inevitable* post[-]conviction assertion of inadequate representation on appeal.") (emphasis added). Nonetheless, we have only done so in exceptional circumstances where the alternative channels for process, i.e., post-conviction proceedings, are so obvious in their outcome that seeing them through is an unnecessary burden upon judicial economy. *See Walczak*, 302 Md. at 427 (conducting review of an unpreserved issue regarding the defendant's sentence on direct appeal because the sentence was clearly illegal); *Smith*, 69 Md. App. at 122 (reviewing an unpreserved issue on direct appeal because a post-conviction ineffective assistance of counsel claim based on that issue would inevitably succeed even without further development of the record); *Moosavi v. State*, 355 Md. 651, 662 (1999) (reviewing on direct appeal an issue not raised by the defendant based on judicial economy because it was clear without further development of the record that the claim would inevitably succeed if brought in post-conviction proceedings).

Appellant relies on *Bible v. State*, 411 Md. 138 (2009), for the contention that the situation *sub judice* falls within the category of cases likely to succeed at post-conviction proceedings. In *Bible*, the Supreme Court of Maryland considered whether the evidence

adduced at trial was sufficient to sustain a sexual offense conviction where Bible's attorney only argued about the intentional nature of the criminal touching in Bible's motion for judgment of acquittal rather than arguing about the intentionally *sexual* nature of the touch. 411 Md. 138, 149–52 (2009). This argument ignored, almost in its entirety, an element of the charge in the motion for judgment of acquittal. *Id.* In the interest of judicial efficiency, the Court decided the issue because the existing record made clear that Bible would likely succeed in obtaining post-conviction relief. *Id.* at 151. The Court based its analysis on the conclusion that there was no possibility that the omissions were trial counsel's legal strategy because there was nothing strategic to gain from those omissions. *Id.*

Here, Appellant alleges that his second-degree assault conviction will likely trigger an ineffective assistance of counsel claim, which will, in turn, unnecessarily burden judicial economy. Generally, ineffective assistance of counsel claims are most appropriate in post-conviction proceedings where further facts may be developed. *In re Parris W.*, 363 Md. 717, 726 (2001). However, this rule is not absolute. *Id.* Where material facts are undisputed and the record is sufficiently developed without collateral fact-finding, ineffective assistance of counsel claims may be appropriate for direct appeal. *Id.*

Unlike in *Bible*, where the hypothetical post-conviction proceeding did not warrant further development of the facts because the omission of an element of a charge in a larger motion for judgment of acquittal had no possible strategic legal benefit, any alleged ineffective assistance of counsel claim in this case would require more factfinding regarding defense counsel's legal strategy at trial. Thus, the case *sub judice* is an inappropriate instance for this Court to exercise discretionary review of an unpreserved

claim. *See Bible*, 411 Md. at 151. Accordingly, we decline Appellant's invitation to circumvent the preservation requirement on a matter best suited for a post-conviction proceeding.

Because we find the issue unpreserved, we need not reach the merits of whether the evidence was sufficient to support Appellant's second-degree assault conviction. *Small*, 235 Md. App. at 696. Nonetheless, we find that even if the issue had been preserved, we would conclude that the evidence adduced at trial meets the low bar for review of sufficiency of the evidence. In reviewing appeals where insufficient evidence is claimed, "we resolve conflicting possible inferences in the State's favor, because [w]e do not second-guess the jury's determination where there are competing rational inferences available." *State v. Krikstan*, 483 Md. 43, 64 (2023) (quoting *Smith v. State*, 415 Md. 174, 183 (2010)) (alteration in *Krikstan*). "If fact A rationally supports the conclusion that fact B is also true, then B may be inferred from A." *Smith*, 415 Md. at 183. *See also id.* at 183–87 (holding that an Appellant's proximity to a marijuana blunt, and the smell of marijuana in the room where Appellant was found, was sufficient for a rational fact finder to reasonably infer that Appellant was engaging in drug use at that time).

Here, Appellant argues that there are no rational inferences that the jury could make from the evidence adduced at trial that would be sufficient to convict him of second-degree assault. Specifically, Appellant asserts that there are no rational inferences to support the victim's identification of Appellant as the batterer or that he caused the victim to reasonably apprehend imminent harm. We disagree.

During direct examination, the victim testified that "the dude" hit him after answering a question directly referring to Appellant. This statement alone could rationally support the inference that the victim was referring to Appellant as the batterer, and it was a matter for jury determination of which we cannot "second-guess." *See Krikstan*, 483 Md. at 64. *Accord Smith*, 415 Md. at 183.

Additionally, Appellant was armed during the interaction with the victim**.** Thus, although the brown gun was not recovered and another was known to be unloaded by the victim, the victim testified that Appellant had the brown gun during the confrontation, which could rationally support a conclusion that the victim reasonably apprehended imminent harm. *Ott v. State*, 11 Md. App. 259, 265 (1971). Accordingly, we affirm Appellant's conviction for second-degree assault.

II. THE EVIDENCE WAS SUFFICIENT TO CONVICT APPELLANT OF CONSPIRACY TO COMMIT ARMED ROBBERY.

A. Party Contentions

Appellant contends that the evidence is insufficient to sustain his conviction for conspiracy to commit armed robbery. Specifically, Appellant alleges that there was no evidence that Appellant, or any co-conspirator, had the requisite conscious intent before the commission of the crime; therefore, there was no meeting of the minds to support a conspiracy conviction.[8]

[8] Appellant additionally "submits that the better course of action [by the circuit court] would have been to vacate two of the three conspiracy convictions at sentencing" rather than merging the lesser included conspiracy convictions. *See supra* note 1. We disagree. Merging the convictions here accomplishes the same goal as vacating them, and one is not required over the other in this scenario. *Berry v. State*, 155 Md. App. 144, 173–74 (2004)

In response, the State contends that direct evidence of an agreement is unnecessary to support a conviction for conspiracy. Rather, the State asserts, conspiracy may be proven via circumstantial evidence. Therefore, the State argues, the adduced evidence of the concerted actions of Appellant and his co-conspirators here was sufficient to support the conspiracy conviction.

B. Standard of Review

If a sufficiency issue is preserved,[9] the Court "view[s] the evidence in the light most favorable to the State and assess[es] whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Krikstan*, 483 Md. at 63 (citation and internal quotation marks omitted). *Accord Jackson v. Virginia*, 443 U.S. 307, 319 (1979). This is because "[w]eighing the credibility of witnesses and resolving any conflicts in the evidence are tasks proper for the factfinder." *State v. Smith*, 374 Md. 527, 533–34 (2003) (quoting *State v. Stanley*, 351 Md. 733, 750 (1998)). "Our role is not to review the record in a manner that would constitute a figurative retrial of the case." *Krikstan*, 483 Md. at 63 (citation omitted). This standard "applies to all criminal cases, including those resting upon circumstantial evidence, since, generally, proof of guilt based

(finding that the court "did precisely what appellants now claim should be done" where the lower court merged lesser included conspiracy convictions and the appellants requested that the lesser included offenses be vacated); *Savage v. State*, 212 Md. App. 1, 18–20 (2013).

[9] The parties agree that the issue of sufficiency for the conspiracy conviction is preserved. We agree as well and therefore do not address preservation further.

in whole or in part on circumstantial evidence is no different from proof of guilt based on direct eyewitness accounts." *Smith*, 374 Md. at 534 (citation omitted).

C. Analysis

"A criminal conspiracy is the combination of two or more persons, who by some concerted action seek to accomplish some unlawful purpose, or some lawful purpose by unlawful means." *Savage v. State*, 212 Md. App. 1, 12 (2013) (internal quotations and citation omitted). The agreement to act in concert "need not be formal or spoken, provided there is a meeting of the minds reflecting a unity of purpose and design." *Sequeira v. State*, 250 Md. App. 161, 204 (2021) (quoting *Molina v. State*, 244 Md. App. 67, 168 (2019)).

"In conspiracy trials, there is frequently no direct testimony . . . as to an express oral contract or an express agreement to carry out a crime." *Jones v. State*, 132 Md. App. 657, 660, *cert. denied* 360 Md. 487 (2000). Thus, the existence of such an agreement may be inferred from circumstantial evidence such as evidence that the alleged co-conspirators "act[ed] in what appears to be a concerted way to perpetrate a crime." *Darling v. State*, 232 Md. App. 430, 466, *cert. denied* 454 Md. 655 (2017) (citation omitted). "From the concerted nature of the action itself, we may reasonably infer that such a concert of action [i]s jointly intended." *Jones*, 132 Md. App. at 660.

This Court has held that there is sufficient circumstantial evidence of a meeting of the minds where a group of individuals began physically beating a victim, in concert, when she stepped off a bus. *In re Lavar D.*, 189 Md. App. 526, 591–92 (2009). We have also held that there is sufficient circumstantial evidence of a meeting of the minds for conspiracy to commit pandering where witnesses testified that they were told to give

money to one co-conspirator if the other was absent. *Seidman v. State*, 230 Md. 305, 322 (1962).

Here, Appellant contends that the evidence at trial was insufficient to show any "meeting of the minds." We disagree. At trial, testimony revealed that Appellant and T. Williams joined Brown and the victim in the kitchen, blocked its exit, and, along with Brown, demanded to see the victim's gun. Additionally, the trio jointly attempted to convince the victim to electronically send them money for the gun once they coerced him into giving it to them. These actions, taking place in quick progression from the time Brown and the victim arrived at the residence, are sufficient circumstantial evidence to support a rational inference of a meeting of the minds because they reflect a unity of purpose and design. *See In re Lavar D.*, 189 Md. App. at 591–92; *Molina*, 244 Md. App. at 168. Thus, there was sufficient evidence to convict appellant of conspiracy to commit armed robbery. Accordingly, we affirm the conviction for that count as well.

JUDGMENT OF THE CIRCUIT COURT FOR CHARLES COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.