

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 717

September Term, 2023

CRAIG CARTER

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: May 10, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Baltimore City, Craig Carter, appellant, was convicted of first-degree murder, use of a handgun in a crime of violence, and possession of a firearm by a prohibited person. He raises a single issue on appeal: whether there was sufficient evidence to sustain his convictions. For the reasons that follow, we shall affirm.

When reviewing the sufficiency of evidence, appellate courts do not retry the case. *See Hayes v. State*, 247 Md. App. 252, 306 (2020). “It is the responsibility of the appellate court, in assessing the sufficiency of the evidence to sustain a criminal conviction, to determine ‘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.’” *Koushall v. State*, 479 Md. 124, 148 (2022) (quotation marks and emphasis omitted) (quoting *Taylor v. State*, 346 Md. 452, 457 (1997)). “[O]ur concern is only whether the verdict was supported by sufficient evidence, direct or circumstantial, which could fairly convince a trier of fact of the defendant’s guilt of the offenses charged beyond a reasonable doubt.” *Taylor*, 346 Md. at 457. “Circumstantial evidence is sufficient to sustain a conviction, but not if that evidence amounts only to strong suspicion or mere probability. Although circumstantial evidence alone is sufficient to sustain a conviction, the inferences made from circumstantial evidence must rest upon more than mere speculation or conjecture.” *Hall v. State*, 233 Md. App. 118, 137 (2017) (quotation marks and citation omitted).

Appellant contends that the State failed to prove that he was the shooter because there were multiple people in the area where the shooting occurred, no eyewitnesses

testified about what happened, the actual shooting was not captured on video, and no forensic evidence tied him to the ballistic evidence recovered. Although we agree with appellant that the State’s evidence was largely circumstantial, we are persuaded that it was sufficient to sustain his convictions

At trial, the State presented evidence that at approximately 2:35 p.m. on May 17, 2021, an unknown person called 911 to report a shooting on the 200 block of Harmison Street in Baltimore. The police arrived approximately two minutes later and found the victim lying on the ground. The victim had been shot four times and ultimately died from his injuries. Five 9mm cartridge casings were recovered, but no firearm was found. Moreover, no eyewitnesses were identified who were willing to speak with the police.

Surveillance video was recovered from a nearby pharmacy which showed a portion of the 200 block of Harmison Street. However, the camera was angled in such a way that the video stopped recording several feet from where the shooting occurred. The video showed that at approximately 2:34 p.m. a white Honda Accord drove down Harmison Street and stopped. A person, later identified as appellant,¹ then exited the passenger seat and immediately walked toward the location of the shooting. Appellant was holding a

¹ Appellant does not contend on appeal that the evidence was insufficient to establish that he was the person who exited the vehicle. In any event, still photographs from the video showed the suspect’s face, which allowed the jury to compare that person to appellant. More importantly, the footage also showed that the same person set a water bottle on a nearby ledge several minutes prior to the shooting. That water bottle was later recovered and DNA testing “yielded a DNA mixture consistent with a major male contributor and at least one indeterminate minor contributor.” Comparison with appellant’s DNA revealed that appellant was the major male contributor with a 99.9 percent degree of confidence.

black object in his left hand that was shaped like a handgun. Baltimore Police Detective Julian Min reviewed the video and testified that, based on his training and experience, he believed the object was a handgun with an extended magazine. Several seconds after appellant walked out of the view of the camera, the video showed multiple people running away from the area where the victim’s body was ultimately located. The white car then drove away without appellant, and appellant was not seen again in the video footage.

Viewing this evidence in the light most favorable to the prosecution, we are persuaded that the evidence was sufficient to establish appellant’s guilt beyond a reasonable doubt. Specifically, the jury could infer that appellant was the person who shot the victim based on the evidence that he approached the location where the victim was shot while holding a handgun, that several seconds later multiple people fled from that area, and that within minutes the police received a 911 call and found the victim’s body surrounded by five 9mm shell casings. The inferences that could be made from this circumstantial evidence were “more than mere speculation or conjecture.” *Hall*, 233 Md. App. at 137 (quotation marks and citation omitted). And “[i]t is not our role, in assessing the sufficiency of the evidence, to determine ‘whether the [trier of fact] could have drawn other inferences [,] . . . refused to draw inferences, or whether we would have drawn different inferences from the evidence.’” *State v. Manion*, 442 Md. 419, 445 (2015) (quoting *Smith v. State*, 415 Md. 174, 184 (2010)). “[O]ur concern is only whether the verdict was supported by sufficient evidence, direct or circumstantial, which could fairly convince a trier of fact of the defendant’s guilt of the offenses charged beyond a reasonable doubt.”

Id. (quotation marks omitted) (quoting *Taylor*, 346 Md. at 457). Consequently, we shall affirm the judgments of the circuit court.

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