

Circuit Court for Prince George's County  
Case Nos. JA-19-0100

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

Nos. 875

September Term, 2019

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IN RE: C.W.

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Arthur,  
Beachley,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 3, 2020

\*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.

The Circuit Court for Prince George’s County, sitting as a juvenile court, found C.W., appellant, involved in the offenses of possession of a regulated firearm by a person under 21 years of age; wearing, carrying, or transporting a handgun; carrying a loaded handgun on a person; and carrying a loaded handgun in a vehicle. On appeal, C.W. asserts that the evidence was insufficient to sustain the juvenile court’s findings of delinquency because, he claims, the State failed to prove that he possessed the loaded handgun that was found in a backpack recovered by police. For the reasons that follow, we shall affirm.

In reviewing the sufficiency of the evidence to sustain a conviction in a criminal case, this Court reviews the evidence admitted at trial in the light most favorable to the prosecution and determines whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. *In re: Kevin T.*, 222 Md. App. 671, 676-677 (2015). We employ the same review in juvenile delinquency proceedings and will not disturb the juvenile court’s findings of fact unless they are “clearly erroneous.” *Id.*

At the adjudication hearing, the State presented evidence that: (1) C.W. was a passenger in a vehicle stopped by the police; (2) C.W. was nervous and refused to make eye contact when questioned by the police; (3) C.W. then fled the vehicle carrying a black backpack with a gray or off-white emblem on it shortly after learning that the officers were going to search the vehicle; (4) C.W. no longer had the backpack when he was detained several minutes later; (5) a black backpack with a “silver stripe” was subsequently recovered approximately 30 yards from where C.W. was detained; and (6) two officers identified that backpack as the one that was being carried by C.W. when he fled from the

vehicle. We are persuaded that this evidence was sufficient to establish all the elements of the charged offenses beyond a reasonable doubt.

In challenging the sufficiency of the evidence, C.W. notes that there was no direct evidence that he possessed the backpack or the gun because “no witnesses testified that they observed [him] abandoning the backpack” and the “State offered no evidence that [his] fingerprints were found on the gun.” But direct evidence of possession was not required as “[a] valid conviction may be based solely on circumstantial evidence.” *State v. Smith*, 374 Md. 527, 534 (2003). C.W. also asserts that it is possible that someone else could have left the backpack as it was found near a large apartment complex in an area where “residents of the apartment complex had access.” However, in assessing the sufficiency of the evidence we give deference to the fact-finder’s “ability to choose among differing inferences that might possibly be made from a factual situation.” *Id.* And we will not “second-guess the [trier of fact’s] determination where there are competing rational inferences available.” *Smith v. State*, 415 Md. 174, 183 (2010). Consequently, we hold that the State presented sufficient evidence to support C.W.’s delinquency adjudication.

**JUDGMENTS OF THE CIRCUIT  
COURT FOR PRINCE GEORGE’S  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**