Circuit Court for Queen Anne's County
Case No. C-17-CR-19-000116

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0949

September Term, 2019

TIMOTHY AARON COVINGTON

v.

STATE OF MARYLAND

Berger,
Wells,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wright, J.

Filed: July 23, 2020

The instant appeal arises following an altercation taking place in the multi-service center housing the Queen Anne's County District Court. Appellant Timothy Aaron Covington was charged with four counts, including: resisting arrest in violation of Md. Ann. Code (2002, 2012 Repl. Vol.), Criminal Law Article ("CL") § 9-408(b)); disorderly conduct in violation of CL § 10-201(c)(2); failure to obey a reasonable and lawful order in violation of CL § 10-201(c)(3), and; failure to leave a public building or grounds in violation of CL § 6-409(b). The matter was transferred from the district court upon jury prayer by Mr. Covington on February 28, 2019, and a two-day trial was held on April 12 and 13 of 2019. The jury returned a verdict convicting Mr. Covington solely on the count of resisting arrest. Mr. Covington timely appealed. He now offers the following questions for our review:

> 1. Did the trial court fail to comply with the requirements of Maryland Rule 4-215 and the Sixth Amendment, and err or abuse its discretion concerning the waiver or discharge of counsel?
>
> 2. Was the evidence sufficient to sustain [Covington's] conviction?

Answering both questions in the affirmative, we reverse the judgment of the circuit and remand the matter for a new trial.

BACKGROUND

This appeal follows events occurring on September 6, 2018. On that date, Timothy Aaron Covington, appellant, presented at the District Court of Maryland for Queen Anne's County. Mr. Covington was ostensibly present to handle matters related to a separate legal

proceeding.[1] Testimony gathered from multiple witnesses coalesced in describing the following series of events.

On September 6, 2018, Mr. Covington prepared to enter the Queen Anne's multi-service building, which houses the district court, through the building's rear entrance. In order to enter the building, visitors must proceed through a security checkpoint manned by several bailiffs and walk through a body scanner. As Mr. Covington prepared to pass through the scanner, an attending bailiff, Mr. Harlan Gann, informed Mr. Covington that he would need to remove his "wallet, keys, change, cell phone, and belt." Mr. Gann testified that Mr. Covington initially appeared to comply. As Mr. Covington proceeded through the scanner, however, Mr. Gann noticed a bulge in Mr. Covington's right pocket. Mr. Gann stopped Mr. Covington and notified him that he would have to remove the item in his pocket. Mr. Covington did not respond and proceeded through the scanner. A second bailiff, Mr. Bill Bright, then stopped Mr. Covington and again indicated that he would need to see the item in Mr. Covington's pocket. Mr. Covington did not step back, but instead stuck his head back through the scanner, before stating: "It's my fucking wallet. Do you want to see my fucking nuts too?"

Noting that the Department of General Services maintains a code of conduct that prohibits making loud noises, causing disturbances or using profanity, Mr. Gann testified that he then decided to deny Mr. Covington entry into the courthouse. He subsequently informed Mr. Covington that he would need to leave the premises immediately. Mr.

[1] The legitimacy of Mr. Covington's need to be in the courthouse for any proceedings was contested in testimony offered by courthouse staff at trial.

Covington did not initially comply and, as a result, Bailiff Bright stood up and prevented Mr. Covington from proceeding further into the courthouse. The bailiffs proceeded to direct Mr. Covington toward a wall near the rear of the building. Mr. Gann testified that Mr. Covington eventually drew his cell phone and called 911, indicating that he was being assaulted by bailiffs in the courthouse.

Eventually, the conflict between Mr. Covington and the bailiffs began to escalate. Lead bailiff Larry Davis testified that, as he was performing his ordinary duties near the multi-service center's front entrance, a member of the public present in the building directed him to a disturbance near the rear of the building. Proceeding to the rear entrance, Mr. Davis testified that he saw Mr. Covington and Mr. Gann near a wall, with Mr. Bright nearby. He noted that the group was "very loud and boisterous." Upon meeting the group, Mr. Davis informed Mr. Gann and Mr. Bright that he would handle the situation, and the two of them returned to their posts. Mr. Davis testified that he proceeded to reiterate the bailiffs' desire for Mr. Covington to leave the premises and began walking with Mr. Covington down the hall. Davis testified further that he initially believed he "had [Covington] out the door." Upon Covington expressing further resistance, however, the situation escalated. At trial, Davis recounted the ensuing moments as follows:

> I said, sir, you got to leave, you got to leave. It was getting – people were coming in, I said we got to get this hallway cleared out. At one point, he said to me, well you can't do anything to me. I said if you don't leave, you're being disorderly and I'm going to have to place you under arrest. He said, well, you can't do that and I said, well, yes, I can because I'm special police and I'm sworn by Governor Hogan.
>
> He said, well, I don't believe all that. He said no, I'm not going out. So I finally got him to the back door and out into the vestibule . . . and he still had

> his cell phone up in his right hand and I said, sir, you're going to have to go outside. We have to remove you from the property, not just the building, you got to go off the property. [He said], [f]--k you, I'm not going anywhere.
>
> So with that, I said I'm placing you under arrest. Pulled my handcuffs out, got one cuff on his left arm or left wrist and with that he just went bonkers. He flipped out and was flailing his arms all around, pulling me around and at one point we – he actually got me out into the vestibule outside and I almost fell because he kept moving his arms and everything. Very combative, very combative. So that's when Harlan [Gann] and Bill Bright came out, the other two bailiffs, and we got him out on the ground and he wouldn't release his other arm to put the cuff on him, which would have been his phone, where his phone was and it was on the ground. So we kept telling him bring your arm around, you're resisting, bring your arm around. You're under arrest, bring your arm around.
>
> So finally we got him to comply and we got him cuffed in the back. I took him inside, they took him down the hallway . . . [T]he cell blocks are in the back there . . . . Got him through the doors and placed him in a cell.

Davis' recollection of the events was corroborated by the testimony of both Gann and Bright. In addition, a man who was present at the courthouse with no relation to either the bailiffs or Mr. Covington provided testimony consistent with the bailiffs' accounts.

Following the incident, Mr. Covington was charged with four counts: resisting arrest (CL § 9-408(b)); disorderly conduct (CL § 10-201(c)(2)); failure to obey a reasonable and lawful order (CL § 10-201(c)(3)); and failure to leave a public building or grounds (CL § 6-409(b)). The matter was transferred from the district court upon jury prayer by Mr. Covington on February 28, 2019, and a trial date was set for April 12, 2019.

On the day of trial, before *voir dire*, the following exchange occurred between the court, Mr. Covington, and his defense counsel at the time:

> COURT: Your client wants to approach the bench?
>
> [DEFENSE COUNSEL]: Yes.

COURT: Come on up. You too, Mr. Covington.

* * *

[DEFENSE COUNSEL]: My client has expressed some very severe dissatisfaction with the way this case has been prepared for trial. Specifically, with motions and vagueness of the charging documents, questions about a video that he was not provided, various things he has brought to my attention (inaudible).

COURT: Quite honestly—

[DEFENSE COUNSEL]: We need to figure out something going forward.

[COVINGTON]: I wanted to—

COURT: Wait a minute, this case has been pending now for some time.

CLERK: Your Honor, you may want to put the—

COURT: This case has been pending for some time and you're raising these issues on the morning of trial.

[DEFENSE COUNSEL]: The case came over on February 28th and I immediately got a scheduling order setting for trial. There was no provision for a status conference, motions and I understand that's Judge Ross' procedure, but, certainly, that's not how any other jury prayer case I have had in any another county has ever been handled.

[COVINGTON]: Ever.

[DEFENSE COUNSEL]: And Mr. Covington has had similar experiences with jury trials in other counties, as well. Always knew these pretrial stages existed – opportunity to challenge.

[COVINGTON]: Because they didn't even give us the opportunity to file the mandatory motions compliant with the rule for the circuit court.

COURT: I'm not going to—

[COVINGTON]: It hinders my defense every aspect around and then you're allowing surprise witnesses.

COURT: If that's a motion, it's going to be denied. We're going to go forward with a trial in this case.

[COVINGTON]: Well, it wasn't a motion[.] [T]he reason I had asked to approach was because there are facts in this case that need to be made known. There are motions that have—

COURT: Tell them to your lawyer.

[COVINGTON]: —that needed to be filed and what I'm telling you is I have—

COURT: Step back, Mr. Covington.

[COVINGTON]: —told this to my attorney and attorney –

COURT: Step back, Mr. Covington.

* * *

[DEFENSE COUNSEL]: But, Your Honor, *if he doesn't want me to represent him, we have a bigger problem*.

COURT: Well, that's something you'll have to work out with him. In the meantime, I'm going to bring this jury up. Have you seen the *voir dire*?

[DEFENSE COUNSEL]: Yes.

* * *

[STATE]: Your Honor, do you want her to simply inquire if Mr. Covington—whether he wants her to continue to represent him? Do you want to do that, [defense counsel]?

[DEFENSE COUNSEL]: Well, I've spoken with Ms. Hart[2] about this, which is why she remained in the courtroom, so she knows there's an issue there.

[2] Per the State's brief, Ms. Hart was identified as the District Public Defender for Queen Anne's County at the time of trial.

> COURT: Well, we're going to go forward with this trial. You know, to raise these issues on the eve of trial is not appropriate. I'll make a decision to the admissibility and the relevance of the witnesses that have been revealed in the *voir dire*.

(Emphasis added).

Shortly thereafter, the circuit court completed the *voir dire* and trial commenced. The State presented its opening argument, but before the defense proceeded with theirs, a second conference before the judge ensued. The conference produced the following colloquy:

> [DEFENSE COUNSEL]: Your Honor, may we approach?
>
> COURT: You may.
>
> [COVINGTON]: Okay, Your Honor. *If I may, I wish to proceed –*
>
> COURT: —Wait a minute. –
>
> [COVINGTON]: *– pro se*.
>
> COURT: Wait a minute. Wait a minute.
>
> [DEFENSE COUNSEL]: *During the opening, Mr. Covington advised me that he was discharging me and he was going to proceed on his own.*
>
> COURT: Okay.
>
> [COVINGTON]: My attorney is misrepresenting me. She won't object to things that were said that were false. You heard in [the State's] opening statement her say that there was a woman and child present. Now, there's going to be video played here today. You won't see a woman and child because they were not present. They've never been named before any member that has given a witness statement or any account of the alleged event. You know, you just can't present things to the jurors that aren't true or are totally unfounded just for the sake of—
>
> COURT: So you are discharging your attorney?

[COVINGTON]: Well, the current situation that I tried to address earlier when we approached is this: no mandatory motions, as well as any other motions have been filed with respect to this case. There have been some procedural measures that aren't exactly in conformity.

COURT: *Mr. Covington, are you attempting to discharge your attorney?*

[COVINGTON]: *Yes, I would like to discharge my attorney, represent myself* pro se *today, and proceed today*.

COURT: *I'm going to permit you to do that, but I'm not going to discharge your attorney. She's going to sit at trial table. If at some point you feel that you need the assistance of counsel, she will be there to assist her* [sic].

[COVINGTON]: *Well, I asked for a hybrid defense earlier where I could represent myself* and the biggest reason is this: I need certain things presented to the jurors, questions asked and those of that nature. So, when I've been asking her to do it and she has been refusing to do so, that is, obviously, a conflict of interest for me.

COURT: *Well, there's not going to be a hybrid representation. You either represent yourself or you –*

[COVINGTON]: *—I'll represent myself, then. –*

COURT: *—have your attorney, but she's going to stay here. I'm not going to discharge her.*

[COVINGTON]: Yes, sir.

[DEFENSE COUNSEL]: Well, I was appointed as a panel public defender. The public defender requirements or regulations, whatever, do not [sic] provide that once the office has been discharged I cannot have any ongoing—

[COVINGTON]: But before you leave I –

[DEFENSE COUNSEL]: I will leave documents.

[COVINGTON]: – I was about to say I need the documents.

COURT: One at a time. *So it's understood you're going to proceed* pro se*, but* [*defense counsel*] *is going to remain at trial table.*

[DEFENSE COUNSEL]: *Well, I'm going to step back because I cannot assist him any further if I've been discharged.*

COURT: Okay. Well, that's what you'll do, but you got to remain –

[DEFENSE COUNSEL]: – But I will leave documents. –

COURT: – in the courtroom.

[DEFENSE COUNSEL]: Yes, I will remain in the courtroom.

COURT: All right.

* * *

COURT: Mr. Covington, wait just a moment.

[DEFENSE COUNSEL]: Let the judge explain what's going on.

[COVINGTON]: All right.

* * *

COURT: *Ladies and gentleman of the jury, Mr. Covington has elected to proceed* pro se*, meaning he's going to represent himself. He just discharged his attorney. Mr. Covington, you may approach the jury.*

(Emphasis added).

After this exchange, the parties proceeded through the remainder of trial with Mr. Covington handling the proceedings himself.[3] Upon the conclusion of the trial proceedings, the jury returned a verdict finding Mr. Covington guilty solely of resisting arrest. Mr. Covington timely noted this appeal.

Additional facts are included below, as necessary.

[3] We duly note that Mr. Covington did request his former defense counsel's assistance in playing audio of his 911 call.

DISCUSSION

I. DISCHARGE OF COUNSEL

On appeal, Mr. Covington first contends that the circuit court erred in the manner in which it handled his discharge of counsel. Specifically, Covington contends that the "strict and mandatory" requirements of Maryland Rule 4-215(e) were not complied with. In the alternative, Mr. Covington maintains that even if Rule 4-215(e) is inapplicable, the circuit court nonetheless failed to perform an adequate inquiry of his reasons for discharging counsel so as to meet constitutional standards. Mr. Covington also avers that the circuit court abused its discretion by simultaneously allowing him to proceed *pro se* and to maintain standby counsel. Further, Mr. Covington avers that if he was, in fact, afforded hybrid representation or the benefit of standby counsel, then the counsel he received was ineffective.

In response, the State argues that there was no sufficient indication of Mr. Covington's intent to discharge counsel sufficient to trigger Rule 4-215(e)'s applicability. The State also maintains that the circuit court made a clear and unambiguous decision regarding Mr. Covington's representation, or lack thereof. Finally, the State avers that any ineffective assistance of counsel claim is without merit.

Maryland Rule 4-215(e) governs the discharge of counsel. The Rule serves to protect the fundamental right to the assistance of counsel and the coordinate right to counsel of one's choice, both secured by the United States Constitution as well as the Maryland Declaration of Rights. *Faretta v. California*, 422 U.S. 806, 819 (1975); *State v.*

Graves, 447 Md. 230, 241 (2016); *State v. Taylor*, 431 Md. 615, 644 (2013); *Williams v. State*, 435 Md. 474 (2013). The language of the provision provides:

> **Discharge of Counsel — Waiver.** If a defendant requests permission to discharge an attorney whose appearance has been entered, the court shall permit the defendant to explain the reasons for the request. If the court finds that there is a meritorious reason for the defendant's request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds no meritorious reason for the defendant's request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. If the court permits the defendant to discharge counsel, it shall comply with subsections (a)(1)-(4) of this Rule if the docket or file does not reflect prior compliance.

Md. Rule 4-215(e). In conducting our review, we note that, where applicable, Rule 4-215(e) demands "strict compliance." *State v. Hardy*, 415 Md. 612, 621 (2010). As such, because "'[t]he provisions of the rule are mandatory'. . . a trial court's departure from them constitutes reversible error." *Id.* (quoting *Williams v. State*, 321 Md. 266, 272 (1990)).

With that, the threshold inquiry left for this Court is whether there was a request for discharge of counsel adequate to trigger the application of the Rule and the resulting compulsory inquiry. "A request for permission to discharge counsel triggering the process mandated by Md. Rule 4-215(e) is 'any statement from which a court could conclude reasonably that he defendant may be inclined to discharge counsel.'" *Graves*, 447 Md. at 241-42 (quoting *Gambrill v. State*, 437 Md. 292, 302 (2014). No writing or formal words are required, nor does any "talismanic phrase" need be invoked. *State v. Davis*, 415 Md. 22, 31 (2010); *State v. Campbell*, 385 Md. 616, 632 (2005). To the contrary, the statement "must simply express to the court that the defendant is dissatisfied with his or her attorney." *Davis*, 415 Md. at 31. *See also Campbell*, 385 Md. at 632 ("[Defendant's] statement regarding his dissatisfaction with his attorney, if timely, should have triggered an inquiry by the court as to whether [he] wanted to discharge his counsel."); *Snead v. State*, 286 Md. 122, 130 (1979) (noting that the former Rule governing procedure for requests to discharge counsel was triggered "when a defendant indicate[d] a *desire or inclination* to waive counsel" (emphasis added)). Stated more explicitly, "[a] defendant makes [a request triggering the application of Rule 4-215(e)] even when his or her statement constitutes more a declaration of dissatisfaction with counsel than an explicit request to discharge." *Hardy*, 415 Md. at 623.

As a final note, we would add that an invocation sufficient to trigger Rule 4-215 need not be made by the party themselves. Rather, "[a]ny statement that would reasonably apprise a court of defendant's wish to discharge counsel will trigger a Rule 4-215(e) inquiry *regardless of whether it came from the defendant or from defense counsel*." *Davis*, 415 Md. at 32.

Once there has been an adequate statement to trigger Rule 4-215(e)'s applicability, the court has an affirmative duty to provide a forum wherein the defendant is permitted to explain their reasons for requesting the discharge of counsel. *Graves*, 447 Md. at 242 (quoting *Taylor*, 431 Md. at 631). We duly acknowledge, however, that for the mandatory compliance with the Rule's strictures to apply, the request for discharge must occur before "meaningful trial proceedings" have commenced – defined functionally as the point at which a defendant's discharge request would "pose a risk either of disruption of trial procedure or of confusing the jury." *Hardy*, 415 Md. at 625-26. In helping to identify a point of demarcation, the Court of Appeals has held that meaningful trial proceedings have begun where a discharge request is made during *voir dire*. *Id.*

In this case, looking specifically to the colloquy occurring between the court and Mr. Covington prior to *voir dire*, we would note that we can identify no adequate triggering statement. The pertinent portion of the discussion was as follows:

> [COVINGTON]: Well, it wasn't a motion[.] [T]he reason I had asked to approach was because there are facts in this case that need to be made known. *There are motions that have –*
>
> COURT: Tell them to your lawyer.

[COVINGTON]: – *that needed to be filed and what I'm telling you is I have—*

COURT: Step back, Mr. Covington.

[COVINGTON]: – *told this to my attorney and* [*my*] *attorney* –

COURT: Step back, Mr. Covington.

DEPUTY: Step back.

(Emphasis added). While the above exchange might lead one to infer that Mr. Covington was primed to remark on his attorney, he never actually did. Further, because the preceding conversation focused exclusively on Mr. Covington's grievances regarding the procedural posture of the case, we would not infer that any further remarks would depart from that subject. There, however, is additional contextual information warranting our consideration.

Immediately following the above-cited exchange, Covington's counsel brought the subject of discharge directly to the court's attention, stating that "if he doesn't want me to represent him, we have a bigger problem." The State similarly drew attention to the issue, suggesting to the court that it may be worthwhile for defense counsel to inquire "whether [Covington] wants her to continue to represent him." Indeed, defense counsel was concerned enough about the prospect of discharge that she spoke with Ms. Hart, the District Public Defender, about the issue and had her present in the courtroom, a fact of which she apprised the court. Of Ms. Hart, defense counsel explained that "she knows there's an issue there." These facts, we think, offered a plain indication that Mr. Covington at least may have been inclined to discharge counsel, a possibility evidenced both by defense counsel's statement to the court and by her actions in bringing in the District Public

Defender to address the issue. Nonetheless, the court declined to perform any inquiry, instead stating simply that "we're going to go forward with this trial" while noting that "to raise these issues on the eve of trial is not appropriate."

Though the circuit court's concerns regarding the propriety of addressing these issues moments before trial may be accorded some merit, we must nonetheless note that the exchange between the court and counsel occurred before *voir dire* and, thus, before meaningful proceedings had been initiated. Consequently, adherence to the inquiry provided in Rule 4-215(e) was mandatory and demanded strict compliance. We hold that the statements made by defense counsel were sufficient to indicate, at a minimum, that Mr. Covington may have been inclined to discharge his counsel and, as such, that an inquiry under Rule 4-215(e) was required. By failing to perform such inquiry, the circuit court committed reversible error. Thus, we reverse its judgment, and remand the matter to the circuit court for new trial.

II. SUFFICIENCY OF EVIDENCE

The second issue raised on appeal concerns the sufficiency of the evidence adduced at trial. Mr. Covington contends that the evidence was insufficient; the State contends that it was not. Though the State also raises a preservation argument, because a determination that the evidence was insufficient would obviate the need for a new trial, we will address the point. *See* Md. Rule 8-131 ("[T]he Court may decide . . . an issue if necessary or desirable to guide the trial court . . . ."); *See also Lockhart v. Nelson*, 488 U.S. 33, 39 (1988) ("[W]hen a defendant's conviction is reversed by an appellate court on the ground that the evidence is insufficient to sustain the jury's verdict, the Double Jeopardy Clause

bars a retrial on the same charge."); *Burks v. United States*, 437 U.S. 1, 11 (1978) ("The Double Jeopardy Clause forbids a second trial for the purpose of affording the prosecution another opportunity to supply evidence which it failed to muster in the first proceeding.").

When reviewing the sufficiency of the evidence to support a criminal conviction, we must determine, after viewing the evidence in the light most favorable to the State, if 'any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Burlas v. State*, 185 Md.App. 559, 568 (2009) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319, (1979)). If the evidence "'showed directly, or circumstantially, or supported a rational inference of facts which could fairly convince a trier of fact of the defendant's guilt of the offenses charged beyond a reasonable doubt[,]' then we will affirm the conviction." *Bible v. State*, 411 Md. 138, 156, (2009) (quoting *State v. Stanley*, 351 Md. 733, 750 (1998)).

In this matter, Mr. Covington was convicted of resisting arrest, in violation of CL § 9-408(b). The language of the provision provides:

> (b) A person may not intentionally:
>
> (1) resist a lawful arrest; or
>
> (2) interfere with an individual who the person has reason to know is a police officer who is making or attempting to make a lawful arrest or detention of another person

This Court previously had occasion to discuss the offense at length in *Rich v. State*, 205 Md. App. 227 (2012). In that case, we provided the following explanation:

> Resisting arrest is a crime in Maryland. It was a common-law offense until 2004 when the General Assembly codified it. The statute, in pertinent part, merely codifies the common law and provides that "[a] person may not

> intentionally resist a lawful arrest." The General Assembly did not define the term "resisting a lawful arrest," or demonstrate any intention to modify the common law. Moreover, this Court has held that § 9-408 is referring to the well-defined parameters of Maryland common law concerning resisting arrest. Hence, the elements of resisting arrest remain defined by the common law . . . .
>
> * * *
>
> In order to convict a defendant of resisting arrest, the elements the State must prove, in addition to the *mens rea* element, are as follows:
>
> > (1) that a law enforcement officer arrested or attempted to arrest the defendant;
> >
> > (2) that the officer had probable cause to believe that the defendant had committed a crime, *i.e.*, that the arrest was lawful; and
> >
> > (3) that the defendant refused to submit to the arrest [and] resists the arrest by force.

Id. at 239-40 (citations and footnotes omitted).

Though Mr. Covington would contend there was ambiguity with respect to the precise subsection under which he was charged and convicted, as there was no interference with the arrest of another, we think it clear that the conviction was pursuant to CL § 9-408(b)(1) – the only paragraph applicable under these facts. We can discern no "hopeless confusion" as Covington contends.

In the alternative, Covington challenges the lawfulness of the arrest, and more specifically, the existence of probable cause. In this case, evidence was introduced indicating that: the bailiffs, in this case, retained lawful authority to arrest individuals; the Department of General Services maintains a code of conduct that prohibits making loud noises, causing disturbances or using profanity; and, pursuant to the District Court of

Maryland's security manual, anyone refusing to surrender items in their pockets when going through metal detectors in the District Court facility should be denied entry and arrested for trespassing if they refused to leave. Further, Mr. Covington was charged with and the jury was instructed regarding three other offenses – two forms of disorderly conduct, as well as failure to leave a public building. Testimonial evidence was offered by more than one party indicating that Mr. Covington failed to surrender an item on his person, used profanity, and subsequently refused to leave the premises. Consequently, there was a sufficient evidentiary basis for the jury to reasonably infer that the arresting bailiff had probable cause and legal authority to arrest Mr. Covington, be it pursuant one of the other offenses of which Mr. Covington was charged and acquitted, or the District Court's security procedures.

Beyond that we would note that the court received testimony from three bailiffs as well as a civilian bystander all indicating that, on the day of the incident, Mr. Covington was confrontational and combative, that he was warned that he would be arrested if he did not leave, and that upon his refusal and the bailiffs' attempt to arrest him, he offered physical resistance. Thus, the jury also had sufficient evidentiary basis to reasonably conclude that there was an attempt to place Mr. Covington under arrest, which he resisted by force.

In sum, we hold that the evidence offered at trial was sufficient to support the conviction.

JUDGMENTS OF THE CIRCUIT COURT FOR QUEEN ANNE'S COUNTY REVERSED AND THE CASE IS REMANDED TO THAT COURT FOR A NEW TRIAL; COSTS TO BE PAID BY QUEEN ANNE'S COUNTY.