

Circuit Court for Baltimore City  
Case No.: 619241006

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1512

September Term, 2019

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IN RE: A.M.

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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 9, 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 State filed a delinquency petition in the Circuit Court for Baltimore City alleging that A.M., appellant, had unlawfully possessed a controlled dangerous substance, to wit, cocaine. Following a hearing, the court, sitting as the juvenile court, found A.M. involved in the crime and committed him to the Department of Juvenile Services.

On appeal, appellant contends that the evidence is insufficient to sustain the adjudication for possession of a controlled dangerous substance. We disagree and shall, therefore, affirm.

#### *Background*

The police responded to appellant's home to bring appellant to the Juvenile Justice Center because the Department of Juvenile Services had informed them that appellant had violated the conditions of his home detention. Upon arrival, appellant's mother went upstairs and awoke appellant. Appellant came downstairs and the police placed him under arrest. During a search incident to that arrest, the police found, in appellant's front pants pockets a lighter and a plastic bag with three gel caps and thirteen vials in it. A police officer's body-worn camera video footage depicting the search was entered into evidence during the hearing. The police officer who recovered the items packaged them and dropped them off at the evidence control unit.

An expert witness in the field of chemical analysis of controlled dangerous substances testified that, when she took control of the seized items, they were properly sealed and bore the recovering police officer's signature. The expert witness testified that the substance in the vials tested positive for cocaine, and the substance in the gel caps did

not test positive for any controlled dangerous substance. The actual drugs were not admitted into evidence during the hearing.

*The sufficiency of the evidence*

Appellant contends that the evidence is legally insufficient to sustain his juvenile adjudication because the State did not introduce into evidence the controlled dangerous substances that the police recovered from appellant’s pockets. According to appellant, without the drugs “there was no physical evidence and no connection between what the officers testified to and what was actually seized.” Moreover, appellant contends that because the drugs were not produced in court “[n]o witnesses were able to testify and confirm that the items tested by the chemist were, in fact, the items seized” by police.

When faced with a challenge to the sufficiency of the evidence in a juvenile delinquency matter, as in any criminal case, we determine “whether after reviewing 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.” *In re Kevin T.*, 222 Md. App. 671, 676-77 (2015) (quoting *In re Anthony W.*, 388 Md. 251, 261 (2005)).

In *Watson v. State*, 18 Md. App. 184 (1973), we rejected the claim that the evidence was insufficient because the prosecution had not introduced into evidence at trial the controlled dangerous substance recovered from the appellant by the police. *Id.* at 195. We noted that “[p]roof of the element of possession, as proof of any other fact, may be by testimonial evidence as well as by real evidence.” *Id.*

In this case, the evidence showed that, in the light most favorable to the State, the police officer sealed the package containing the items recovered from appellant before

placing the package into evidence control. That package remained undisturbed until the expert witness tested its contents which revealed them to be cocaine. Under the circumstances, we think a reasoning juvenile court could have relied on the testimony and evidence to find that appellant's actions met the definition of possession of a controlled dangerous substance if an adult had committed that crime. Consequently, the State presented sufficient evidence to the juvenile court to support his delinquency adjudication.

**JUDGMENT OF THE CIRCUIT COURT  
FOR BALTIMORE CITY, SITTING AS A  
JUVENILE COURT, AFFIRMED.  
COSTS TO BE PAID BY APPELLANT.**