

Circuit Court for Baltimore City
Case No.: 122207004

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1629

September Term, 2023

JARELL ANDRE SPEAKS

v.

STATE OF MARYLAND

Nazarian,
Zic,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kenney, J.

Filed: July 15, 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).

Appellant, Jarell Andre Speaks, was indicted in the Circuit Court for Baltimore City, Maryland. In the thirty-count indictment, he was charged with attempted first-degree murder and other assault and firearms-related offenses, with respect to an incident occurring on or about May 10, 2022, near 2800 Boarman Avenue, that involved the following alleged victims: Amir Taylor, Quazel Bradford, Gary Royster, Jason Armstrong, and Shelton Harris.¹ Following a trial, the jury convicted Appellant of four counts of reckless endangerment, possession of a handgun while under the age of twenty-one, wearing/carrying/transporting a handgun on or about his person, and discharging a firearm within the city limits of Baltimore City in violation of the Baltimore City Code. A conviction for using a firearm in the commission of a crime of violence was subsequently stricken by the court as an inconsistent verdict. Appellant was sentenced to serve an aggregate twenty-five years of imprisonment with all but fifteen years suspended, and with five years' supervised probation upon release. In his timely appeal, he asks whether the evidence was sufficient to sustain his reckless endangerment convictions.

For the following reasons, we affirm the convictions.

BACKGROUND

On May 10, 2022, in the 2800 block of Boarman Avenue, near the intersection with the 4300 block of Reisterstown Road, Baltimore City police officers responded to a report of a shooting that involved multiple victims. As we will discuss later in more detail, the

¹ The court dismissed the charges concerning Shelton Harris at the close of all the evidence.

individuals sustaining gunshot wounds in this incident were identified at trial as Gary Royster, Jason Armstrong, Amir Taylor, Quazel Bradford and Appellant.

Detective Kyle Johnson responded to the scene and recovered pertinent surveillance footage from a DVR camera system at a nearby convenience store. That footage, indicating that the shooting occurred at approximately 8:53 p.m. on May 10, 2022, was presented to the jury. It shows a group of individuals running from a corner and a person wearing striped pants firing a handgun multiple times. Evidence before the jury implicating Appellant as the primary shooter included evidence that a person matching Appellant’s description reported to Sinai Hospital with a gunshot wound to the leg.

On May 29th, 2022, Appellant was stopped by police and found to be in possession of a black Polymer80 9-millimeter handgun. Among the items recovered from the crime scene were multiple cartridge casings of various calibers, including several 9-millimeter casings and projectiles. After he was stopped, Appellant admitted to the police that he had been previously shot in the leg and treated at Sinai Hospital.

At the conclusion of all the evidence, the parties argued whether the evidence was sufficient to support the identity of the shooting victims. Because of its concern whether the evidence was sufficient to establish where the identified victims were wounded, the court replayed testimony from the primary investigator, Detective Sharod Molock. Afterwards, the court concluded:

After listening to Detective Molock’s or Sergeant Molock’s testimony I am persuaded that the cumulative effect of his testimony with regard to identification, Ms. Speaks [sic], the clothing, location at which he saw it, that there is more than sufficient basis, although it is a weak case, for the charges

with regard to murder, assault, ultimately to go [to] the jury, with the exception of those charges with regard to Shelton Harris.

I don't think there is any evidence with regard to Shelton Harris. So those will not be submitted.

With regard to the use of a handgun in a crime of violence, there is ample evidence.

We shall include additional details in the following discussion.

DISCUSSION

Appellant, contending the evidence was insufficient to sustain his reckless endangerment convictions, argues that the proof that he was the shooter was entirely circumstantial, and that the State failed to meet its burden of proof with respect to each victim named in the indictment being shot by Appellant. The State responds that the evidence was not entirely circumstantial and that there was direct evidence shown on the surveillance video of a person matching Appellant's description shooting into the crowd and who later reported to Sinai Hospital with a gunshot wound. As to the victims having been shot by Appellant, the State further argues that the evidence was sufficient with respect to each named victim being shot by Appellant based on the testimony of Detective Molock and the related hospital records.

When reviewing a sufficiency of the evidence challenge, we examine the record “to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Beckwitt v. State*, 477 Md. 398, 429 (2022) (quoting *State v. Wilson*, 471 Md. 136, 159 (2020)). *Accord Jackson v. Virginia*, 443 U.S. 307, 319 (1979). To that end, “we view the State's evidence, including all reasonable inferences to

be drawn therefrom, in the light most favorable to the State.” *Beckwitt*, 477 Md. at 429 (cleaned up). That same standard applies to both direct and circumstantial evidence. *Id.* (citing *White v. State*, 363 Md. 150, 162 (2001)). “Circumstantial evidence may support a conviction if the circumstances, taken together, do not require the trier of fact to resort to speculation or conjecture, but circumstantial evidence which merely arouses suspicion or leaves room for conjecture is obviously insufficient.” *Id.* (quoting *Smith v. State*, 415 Md. 174, 185 (2010)).

In addition, “weighing the credibility of witnesses and resolving conflicts in the evidence are matters entrusted to the sound discretion of the trier of fact.” *Scriber v. State*, 236 Md. App. 332, 344 (2018) (citation omitted). For that reason, it is not necessary to determine whether we believe “that the evidence at the trial established guilt beyond a reasonable doubt.” *Roes v. State*, 236 Md. App. 569, 583 (2018) (quoting *State v. Manion*, 442 Md. 419, 431 (2015)). We defer to reasonable inferences drawn by the jury resolving “conflicting possible inferences in the State’s favor” and avoid second-guessing “the jury’s determination where there are competing rational inferences available.” *State v. Krikstan*, 483 Md. 43, 64 (2023) (quotations marks and citation omitted). *Accord State v. Smith*, 374 Md. 527, 534 (2003). In sum, the question before us “is not whether the evidence *should have or probably would have* persuaded the majority of fact finders but only whether it *possibly could have* persuaded *any* rational fact finder.” *Scriber*, 236 Md. App. at 344 (emphasis in original; citation omitted).

Here, Appellant challenges sufficiency of the State’s evidence to support his reckless endangerment convictions. Criminal Law § 3-204 provides:

(a) A person may not recklessly:

(1) engage in conduct that creates a substantial risk of death or serious physical injury to another; or

(2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another.

Md. Code Ann., Crim. Law § 3-204 (2002, 2021 Repl. Vol.) (“Crim. Law”).

A violation of the statute requires a *prima facie* showing by the State: “(1) that the defendant engaged in conduct that created a substantial risk of death or serious physical injury to another; (2) that a reasonable person would not have engaged in that conduct; and (3) that the defendant acted recklessly.” *Jones v. State*, 357 Md. 408, 427 (2000). *Accord State v. Morrison*, 470 Md. 86, 124-25 (2020). The evidence is considered objectively to determine whether the conduct “was so reckless as to constitute a gross departure from the standard of conduct that a law-abiding person would observe, and thereby create the substantial risk that the statute was designed to punish.” *Id.* at 125 (quoting *Minor v. State*, 326 Md. 436, 443 (1992)). *Accord Perry v. State*, 229 Md. App. 687, 697 (2016), *cert. dismissed*, 453 Md. 25 (2017). Reckless endangerment is directed at “the situation in which a victim is put at substantial risk of death or serious bodily harm but may, through a stroke of good fortune, be spared the consummated harm itself.” *In re David P.*, 234 Md. App. 127, 142 (2017) (citation omitted). Additionally, and as applied in this case, the unit of prosecution is the victim. *See Albrecht v. State*, 105 Md. App. 45, 58 (1995) (“[T]he unit of prosecution for the crime of Reckless Endangerment is each person who is recklessly exposed to the substantial risk of death or serious physical injury.”); *see also* Crim. Law §

3-206(d) (setting forth the manner of charging reckless endangerment and including that a charging document may include a count for each individual endangered).

There is little dispute as to Appellant's identity as the shooter and thus the person acting recklessly. Detective Molock viewed surveillance video from the scene of the shooting and the hospital, which was viewed by the jury. He testified that the person with the firearm was wearing striped sweatpants that were similar to the ones Appellant was wearing when he reported to Sinai Hospital with a leg injury as shown on the video. In addition, Appellant, when arrested, admitted that he had previously sustained a gunshot wound that was treated at Sinai Hospital. He was also in possession of a 9-millimeter handgun, and 9-millimeter cartridge casings were recovered from the crime scene. This evidence was sufficient to support a reasonable inference and the jury's finding that Appellant was the shooter.

The question remaining is whether the evidence with respect to the identity of the named victims was sufficient. Appellant contends that it was not. In particular, he argues that no evidence was admitted related to a victim named Quazel Bradford.

The victims named in the indictment, in alphabetical order, were Jason Armstrong, Quazel Bradford, Gary Royster, and Amir Taylor, none of whom testified. The State's evidence on victim identity was based on Detective Molock's testimony and the medical records of the shooting victims and, thus, a combination of both direct and circumstantial evidence.

Detective Molock testified that several of the shooting victims went to Sinai Hospital while others were transported to University of Maryland Shock Trauma. As

previously noted, the evidence indicated that the shooting started at 8:53 p.m. and victims began appearing at Sinai Hospital at 9:06 p.m.² We turn now to the specific evidence produced as to each of the named victims.

Jason Armstrong: In addition to the evidence that Armstrong reported to Sinai Hospital after the shooting for treatment of a gunshot wound, his medical records were admitted at trial. Those records showed that Armstrong had sustained gunshot wounds to the left upper arm and left calf, as well as an “open left proximal humeral shaft fracture.” Although the details of their conversation were not admitted, Detective Molock testified that he spoke with Armstrong at the hospital the same day as the shooting.

Gary Royster: Royster also reported to Sinai Hospital as a gunshot wound victim and his medical records were also admitted. Those records showed that he had sustained three gunshot wounds to the abdomen, one to the left arm, and one to the right toe. Again, the jury heard that Detective Molock also spoke with Royster at the hospital without the details of their conversation being admitted.

Amir Taylor: There was evidence that Taylor, who was identified as another of the gunshot wound victims, was transported to University of Maryland Shock Trauma. But

² We take judicial notice that Sinai Hospital is located approximately 1.6 to 1.9 miles from the scene of the shooting. *See* Md. Rule 5-201 (judicial notice); *Cobrand v. Adventist Healthcare, Inc.*, 149 Md. App. 431, 442 n.7 (2003) (using MapQuest to compare travel time between a residence and courthouses); *see also Feminist Majority Found. v. Hurley*, 911 F.3d 674, 711 n. 5 (4th Cir. 2018) (Agee, J., dissenting in part and concurring in part) (taking judicial notice of Google Maps); *United States v. Perea-Rey*, 680 F.3d 1179, 1182 n.1 (9th Cir. 2012) (taking “judicial notice of a Google map and satellite image as a source whose accuracy cannot reasonably be questioned” (cleaned up)). Using the same source, the Shock Trauma hospital is 4.7 to 4.9 miles away from the scene.

there are no medical records for Taylor in the record and no evidence that Detective Molock or any other officer involved in this investigation ever spoke with him. Appellant acknowledges that Detective Molock identified Amir Taylor as one of the victims sustaining a gunshot wound. In addition, the jury viewed Officer Smith’s body camera footage showing a young man bleeding on the street from an apparent gunshot wound immediately after the shooting. The State acknowledges in its brief that Officer Smith did not identify this person, but the jury also heard from Detective Molock who, during his testimony with respect to each victim, confirmed that Taylor was “bleeding” after being shot. The prosecutor made this connection during closing argument when he argued, “[a]nd we know that Amir Taylor, this poor 14-year old boy, fighting for his life, is laying on the street and bleeding out.”

Quazel Bradford: There was no testimonial evidence related to Bradford other than Detective Molock’s statement that he never spoke with him. During the trial, however, Appellant stipulated without objection to the admission of the Crime Scene Activity Report by the State’s crime lab technician, Franklin Sanders, identifying “Quazel Bradford” as a shooting victim of the incident under investigation.

In considering whether the evidence was sufficient in regard to identity of the respective victims, we return to the general standard for the review of sufficiency of the evidence as stated by the United States Supreme Court:

[T]he critical inquiry on review of the sufficiency of the evidence to support a criminal conviction must be not simply to determine whether the jury was properly instructed, but to determine whether the record evidence could reasonably support a finding of guilt beyond a reasonable doubt. But this inquiry does not require a court to ask itself whether it believes that the

evidence at the trial established guilt beyond a reasonable doubt. Instead, the relevant question is 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. This familiar standard gives full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts.* Once a defendant has been found guilty of the crime charged, the factfinder’s role as weigher of the evidence is preserved through a legal conclusion that upon judicial review all of the evidence is to be considered in the light most favorable to the prosecution. The criterion thus impinges upon “jury” discretion only to the extent necessary to guarantee the fundamental protection of due process of law.

Jackson, 443 U.S. at 318-19 (cleaned up; emphasis added).

The outcome on the victim identity issue in this case depends on whether, considered in the light most favorable to the State, the evidence presented in respect to the victim would support a rational inference by the jury that they were shot a short time and distance away from the hospitals to which they were taken were shot by Appellant during the shooting in the 2800 block of Boarman Avenue on or about May 10, 2022. Drawing such inferences “is classic grist for the jury mill.” *Cerrato-Molina v. State*, 223 Md. App. 329, 337 (2015). The inference drawn “need only be reasonable and possible; it need not be necessary or inescapable” and the “possibility” of the evidence permitting conflicting inferences does not preclude a fact finder from determining which is correct. *Id.* at 338 (cleaned up). In other words, a “guilty inference may be drawn even from predicate circumstances that could give rise just as well to an innocent inference.” *Id.* at 348.

We hold that the admitted evidence in this case was sufficient to support rational inferences by the jury that Appellant recklessly endangered Jason Armstrong, Gary Royster, Amir Taylor, and Quazel Bradford.

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