

Circuit Court for Baltimore City
Case No. 122298002

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1673

September Term, 2023

JEROME JOHNSON

v.

STATE OF MARYLAND

Nazarian,
Reed,
Albright,

JJ.

Opinion by Albright, J.

Filed: July 23, 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).

Jerome Johnson, appellant, was found guilty of first-degree felony murder, robbery, and attempted robbery following a jury trial in the Circuit Court for Baltimore City. The circuit court imposed a life sentence, with no parole eligibility for twenty-five years. As we rephrase it, Mr. Johnson’s sole question in this appeal is whether the evidence was sufficient to convict him.¹ We conclude that it was and affirm.

BACKGROUND

A. The Robbery and Killing of Mr. McLean

Around 7:30 pm on May 31, 2021, Jameo McLean was shot twice and killed by two assailants during a robbery in his home. Mr. McLean lived in the basement of a rowhouse with two floors above it. His mother, Ora Jones, and his friends Quentin² Skipwith and Aaron Johnson,³ lived there too.⁴ Aaron, Ms. Jones, and Mr. Skipwith were all in the house when Mr. McLean was killed.

Earlier in the afternoon of May 31, Aaron was at the house when two people stopped by and identified themselves as “Steve and Smooth.” Aaron had never met them

¹ Mr. Johnson phrases his question presented in this appeal as “Whether the evidence is insufficient to convict Mr. Johnson?”

² Mr. Skipwith’s first name is spelled as “Quinton,” “Quentin,” and “Quientin” at various points in the record before us. We use “Quientin” as it is consistent with how Mr. Skipwith spelled his name to the court reporter in the trial transcript.

³ We refer to Aaron Johnson as “Aaron” to avoid confusion with Mr. Johnson (no relation), the appellant in this case. In doing so, we mean no disrespect to Aaron Johnson.

⁴ Ms. Jones stated that only she, Mr. Skipwith, and Mr. McLean lived there. Mr. Skipwith and Aaron both testified that Aaron was also living there at the time. Aaron also explained that another individual, Kean Milligan, did not live in the house but “was just there all the time.”

before. Steve was “short and light skin[ned],” whereas Smooth was “[t]all, skinny and . . . kind of dark.” The two men asked for Mr. McLean, so Aaron called him and put the call on speakerphone. Mr. McLean explained that he would be back in ten minutes, but the two men left before he got back.

After Steve and Smooth left, Aaron went to sleep. He woke up when Mr. McLean returned to the house but went back to sleep soon after. He was awoken a second time, though, by “[a] loud banging noise.” Aaron opened his door to investigate and was “met with a gun in [his] face.” The person holding the gun had “a bandana or something [] covering their face,” and Aaron could not definitively say who it was. He thought it might be the person who identified themselves as Smooth from earlier in the day because “they were both tall,” but admitted it could have been someone else. Steve was there with the gunman, and the two men directed Aaron to go down into the basement. Mr. McLean, who was on the ground, was “struggling to breathe” and Steve “rummage[ed] through” his pockets. The two assailants made Aaron empty his pockets, too, and they asked him repeatedly where the jewelry, drugs, and money were.

Aaron was marched back up to his room and rolled up into a blanket that was also stuffed into his mouth. Steve “put his body weight on” Aaron to put “pressure on [his] torso and [his] head” until Aaron “couldn’t really breathe very well.” Eventually, however, Aaron felt the pressure subside and heard footsteps leaving the house. He then ran out of the house and called 911.

Ms. Jones was asleep in her room on the second floor of the house around 7:30 pm that evening until she “heard arguing” that was unusual. She opened her door and saw

people down the hall but could not get a complete view of their faces. One of the people had a “little blue hospital mask across the face[.]” The masked individual also had a gun in their hand and turned to face Ms. Jones when she asked what was going on.

Ms. Jones described the masked person first as “tall,” and that at five foot one herself, she “came to the bottom of his chin.” Additionally, he had a “brown” complexion with “thin” and “neat” eyebrows. The masked man took her phone and told her to go back into her room because he “[didn’t] want to hurt [her] too.”

Ms. Jones withdrew into her room, but “didn’t close the door completely,” instead, she peeped out until the masked man ran downstairs. Then, she retrieved a second phone she had in her room and called 911. After waiting about five minutes, Ms. Jones went downstairs herself. The masked person was already gone, but Ms. Jones could see Mr. McLean’s body in the basement through a vent in the floor.

Mr. Skipwith was in his room on the first floor of the house asleep on the evening of May 31, 2021. He was “awakened to two loud bangs that shook [his] floor.” They sounded like gunshots. He heard Aaron repeatedly yelling outside his room that he didn’t have anything, so Mr. Skipwith “didn’t open [his] door[,]” and grabbed his phone to call 911. He heard screaming from Ms. Jones, and a voice he did not recognize say “Steve, Steve, I got it.” He heard footsteps that sounded like they started on the stairs from the basement, a bang at his wall, and a door slam, but he did not see the assailants.

B. The Case Against Mr. Johnson

Mr. McLean was dead by the time emergency responders arrived around twenty to thirty minutes later. When the police arrived, Ms. Jones, Aaron, Mr. Skipwith,

Mr. Milligan, and Todd Price were all at the house.⁵ Investigators interviewed the witnesses who each recounted what had happened. At the scene, the police also recovered a loaded handgun magazine from the “rear of the location,” two rental scooters in the back alley, and phones—including Mr. McLean’s.

Mr. McLean’s phone revealed a conversation on Facebook messenger with Steven Arthur. Around 3:40 pm on May 31, Mr. Arthur had sent Mr. McLean a message stating, “Yo I got your money you home?” A series of follow-up messages about when Mr. McLean would be home were exchanged, as well as several missed calls between the two men. A search warrant was executed on Mr. Arthur’s residence, a DNA sample was collected from him, and “the data on [Mr. Arthur’s] cell phone was taken off.”

Mr. Arthur’s phone showed another Facebook messenger conversation on May 31, 2021, between himself and Jerome Johnson. In addition to several messages and calls that were exchanged between the Mr. Arthur and Mr. Johnson earlier in the day on May 31, Mr. Johnson had messaged Mr. Arthur around 4:15 pm, stating that he “Got that 30,” “30 perky.”⁶ Mr. Arthur responded, “[m]ight not need it imma finesse him out of it.” The messages that followed included plans for Mr. Johnson to meet up with Mr. Arthur later that evening. Missed calls and video chats between the two men were also logged around 5:30 pm, 7:30 pm, and 10:30 pm on May 31.

⁵ Mr. Price was another friend of Mr. McLean’s who frequented Mr. McLean’s home. Neither Mr. Price nor Mr. Milligan testified at trial.

⁶ According to the State, “perky” is Percoset.

Mr. Arthur's phone also revealed a third Facebook messenger conversation he had on May 31, 2021, with Ella Duville. Around 5:45 pm, Mr. Arthur asked Ms. Duville about "Jay's" address, and Ms. Duville replied with the name of the street where Mr. McLean lived. Mr. Arthur confirmed that the address was correct before responding "Cuz he bout to get took off off." A little before 7:00 pm, Mr. Arthur sent another message stating that "it about to go down."

Another person of interest in the investigation was Brandon Belford. Ms. Jones had provided a photograph to investigators a couple of weeks after the shooting that she believed matched the masked assailant.⁷ The photograph was of Mr. Belford. The police interviewed Mr. Belford and collected a sample of his DNA as well.

Finally, investigators interviewed Mr. Johnson. During this interview, Mr. Johnson acknowledged that he used the nickname "Smooth." A DNA sample was obtained from Mr. Johnson, too.

The DNA collected from Mr. Johnson matched a sample taken from Mr. McLean's body. Investigators had analyzed swabs of DNA from the handlebars and hand brakes from the electric scooters, samples of blood found in the house, the handgun magazine collected from the scene, the fingernail clippings from both of Mr. McLean's hands, Mr. McLean's blood, and the oral samples taken from Mr. Arthur, Mr. Belford, and

⁷ Ms. Jones testified that Mr. McLean's friends were providing her with photos of people to see if she could recognize them as the masked assailant. Before providing the photo of Mr. Belford to the police, Ms. Jones wrote on the photograph that she "know[s] and am positive this boy was in my hous[e] and put a gun to my head and took my other phone," and she signed the edge of the photograph too.

Mr. Johnson. The blood sample matched Mr. McLean, the tests on the scooters were indeterminate, and the gun magazine yielded no results. The sample from Mr. McLean’s right fingernail clippings, however, matched Mr. McLean and “at least two minor contributors[,]” neither of which was Mr. Arthur or Mr. Belford. Mr. Johnson, though, “matche[d] an inferred genotype[,]” and “[was] part of the DNA profile” for one of the contributors. Moreover, the State’s forensic expert testified that the amount of DNA matching Mr. Johnson’s profile was “significant,” and “appear[ed] as though it would be a primary transfer.” In other words, the amount of Mr. Johnson’s DNA suggested that there had been direct contact between him and Mr. McLean.

The medical examination of Mr. McLean’s body revealed “various scrapes and bruises,” consistent with a physical altercation with another person. The bulk of these injuries were sustained on Mr. McLean’s left side. The medical examiner further testified that Mr. McLean’s cause of death were two gunshot wounds, one to his chin and the likely fatal one to his chest.

C. Procedural History

Mr. Johnson was indicted on one count of murder, two counts of conspiracy to commit murder, three counts of robbery with a dangerous weapon, three counts of attempted robbery with a dangerous weapon, five counts of conspiracy to commit robbery with a dangerous weapon, five counts of use of a firearm in the commission of a crime of violence, one count of possession of a firearm after having been convicted of a crime of violence, one count of attempted murder, and two counts of first-degree assault. A five-day jury trial was held in the circuit court for Baltimore City, and Mr. Johnson was

found guilty of first-degree felony murder, robbery, and attempted robbery based on the evidence recounted above. He was acquitted of the remaining charges. After sentencing,⁸ he noted this timely appeal.

Additional facts are provided in our discussion as needed.

STANDARD OF REVIEW

When reviewing whether there is sufficient evidence to support a conviction, an appellate court views the evidence, and the reasonable inferences that may be drawn from the evidence, in a light most favorable to the State. *Scriber v. State*, 236 Md. App. 332, 344 (2018). Sufficient evidence may be founded in direct evidence, a combination of direct and circumstantial evidence, or in circumstantial evidence alone. *Id.* In essence, the “limited question before an appellate court is not whether the evidence *should have or probably would have* persuaded the majority of fact finders[;]” rather, we set out only to determine “whether [the evidence] *possibly could have* persuaded *any* rational fact finder.” *Id.* (quoting *Darling v. State*, 232 Md. App. 430, 465, *cert. denied*, 454 Md. 655 (2017) (cleaned up, emphasis in original)).

DISCUSSION

A. Mr. Johnson’s Contentions

Under Mr. Johnson’s view of the case, the evidence against him is legally insufficient because it “fails to establish the identity of the person who committed [the]

⁸ Mr. Johnson was sentenced to “life imprisonment with the first twenty-five years to be without parole” on his felony murder count. The robbery counts merged with his felony murder count at sentencing.

crimes with [Mr.] Arthur.” In other words, Mr. Johnson does not challenge that a murder, robbery, and attempted robbery were committed by someone. Rather, Mr. Johnson only challenges the sufficiency of evidence identifying him as the perpetrator. Mr. Johnson argues that discrepancies between the eyewitness testimony about the assailant and his own physical description “excluded Mr. Johnson as a possible assailant.” Next, Mr. Johnson points out that the State did not affirmatively prove that he was the same “Jerome Johnson” that messaged Mr. Arthur on Facebook. And, Mr. Johnson argues, even if the messages were from him, they do not prove his involvement in Mr. McLean’s killing. Finally, Mr. Johnson contends that the DNA evidence against him was “nothing more than legally unsupportable speculation.”⁹ We disagree with these arguments.

⁹ Mr. Johnson does not contest the admissibility of the DNA evidence – a point he conceded at oral argument. Instead, he merely argues that it is not sufficient evidence of his identity as the perpetrator because of reliability issues with TrueAllele, the program the State’s DNA expert used to connect the sample taken from Mr. McLean’s fingernails to Mr. Johnson.

To the extent that Mr. Johnson argues that the evidence should have been inadmissible, Mr. Johnson failed to preserve this claim. Mr. Johnson did not object to the State’s designation of a DNA expert, nor the testimony the State’s expert provided about the TrueAllele program and how it operates. At trial, Mr. Johnson re-raised a continuing objection he previously made in a motion in limine—that the State had provided improper notice for the DNA evidence. But, by failing to raise his concerns about the *reliability* of the TrueAllele DNA evidence before the circuit court, he waived this argument. *See* Md. Rule 8-131(a) (“Ordinarily an appellate court will not decide [an] issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]”).

Even if Mr. Johnson had preserved this argument, our decision in *Harvin v. State*, 263 Md. App. 326 (2024), cuts against his position. *Harvin* also involved a conviction based on DNA evidence that was analyzed using TrueAllele, the same program used by the State here. *Id.* at 330. Although the defendant in *Harvin* challenged the reliability of TrueAllele as applied in his case specifically, he did not contend that TrueAllele is inherently unreliable. *Id.* at 343. Instead, he asserted that the evidence should be excluded

B. Analysis

In effect, Mr. Johnson’s arguments ask us to reweigh the evidence presented to the jury. To be sure, Mr. Johnson identifies several aspects of the State’s case against him that *could* be inconsistent with his identity as one of the assailants. As he points out, Ms. Jones provided a photo to the police identifying Mr. Belford as one of the perpetrators, not Mr. Johnson. Aaron, the other eyewitness to the attack that testified at trial, described the assailant as tall, skinny, and with a dark complexion rather than the lighter complexion of Mr. Johnson.¹⁰ And, as Mr. Johnson notes, the State did not definitively prove that the “Jerome Johnson” who was messaging with Mr. Arthur was, indeed, Mr. Johnson. Nor do any of the messages with “Jerome Johnson” provide direct evidence that “Jerome Johnson” was involved in the robbery and killing of Mr. McLean. Mr. Johnson may also be correct that the DNA evidence against him was not definitive.

Our role, however, reviews only the sufficiency of evidence and does not extend to an independent analysis of the persuasiveness of the evidence. *See Koushall v. State*, 479 Md. 124, 148 (2022) (“When reviewing the sufficiency of evidence, [an appellate court] does not retry the case.”). In other words, we do not focus on whether the evidence also supports other inferences besides the guilt of a defendant. *Id.* Instead, we have repeatedly

in his case because of inconsistencies between the TrueAllele analysis and a manual analysis of the same data. *Id.* at 344. We determined that the circuit court did not abuse its discretion by admitting the TrueAllele evidence after the circuit court held a *Daubert-Rochkind* hearing and found “that the TrueAllele results were sufficiently reliable . . . to be useful to a trier of fact in determining a fact at issue.” *Id.* at 342.

¹⁰ The circuit court commented that “[Mr. Johnson] may be tall and skinny but he’s not dark.”

held that inconsistencies from evidence—like those raised by Mr. Johnson here—are within the purview of the jury rather than an appellate court. *See, e.g., Small v. State*, 235 Md. App. 648 (2018) (holding that a sole witness’s physical description and identification of the defendant at trial constituted sufficient evidence to support the defendant’s identity as the robber despite the witness stating he was only seventy percent sure the defendant committed the robbery); *Branch v. State*, 305 Md. 177, 184 (1986) (holding that sufficient evidence supported the defendant’s conviction despite “substantial discrepancy between the description given by the victim of the crime almost immediately after the incident and the actual description of the accused.”). Thus, inconsistencies between facts presented at trial and a defendant’s identity “go ‘to the weight and not to the sufficiency of the evidence.’” *Small*, 235 Md. App. at 706 (quoting *Branch*, 305 Md. at 184).

Here, there was sufficient evidence to support the jury’s finding that Mr. Johnson was the individual who robbed and shot Mr. McLean. To begin with, there was eyewitness testimony connecting Mr. Johnson to the robbery and killing. Aaron testified that “Steve” and “Smooth” stopped by the house earlier in the afternoon of May 31, 2021, and Aaron recognized Steve as one of the assailants that evening. Although Aaron described that the second assailant had a covering over his face, he testified that he was “tall” in the same way he noticed “Smooth” was earlier in the day. Mr. Arthur’s first name is Stephen—linking his identity to “Steve”—and Mr. Johnson, himself, admitted that “Smooth” was a nickname he used.

Mr. Arthur’s Facebook messages further link Mr. Johnson to the crime. Mr. Arthur’s messages with Mr. McLean on May 21 showed that Mr. Arthur had

messed Mr. McLean around 5:40 pm stating that he “got [Mr. McLean’s] money” and asking whether Mr. McLean was home. Messages between Mr. Arthur and a “Jerome Johnson”—the same as Mr. Johnson’s full name—established a rendezvous between the two individuals as well as Mr. Arthur sharing plans to “finesse” an unidentified individual out of Percocet. Calls between Mr. Arthur and “Jerome Johnson” were also timestamped shortly before, around the time of, and after the robbery and killing of Mr. McLean.

Finally, DNA evidence and testimony from the State’s forensic examiner established that Mr. Johnson directly interacted with Mr. McLean. A “significant” amount of DNA matching Mr. Johnson was recovered from Mr. McLean’s fingernails. In fact, the quantity of DNA suggested that the transfer had been a “primary” one with direct contact between Mr. Johnson and Mr. McLean. That Mr. Johnson had direct contact with Mr. McLean was consistent with the injuries the medical examiner saw on Mr. McLean’s body. These injuries were from a physical altercation and gunshot wounds. The DNA evidence also corroborates Aaron’s uncertain belief that “Smooth” (or Mr. Johnson) was the same individual who returned to the house after Mr. McLean had been gone earlier in the day. Although Mr. Johnson was not required to provide one, no other explanation was given for why his DNA was present.

In sum, we conclude that the eyewitness testimony consistent with Mr. Johnson’s physical characteristics and his nickname, the Facebook messages between Mr. Arthur and an individual with the same name as Mr. Johnson, and Mr. Johnson’s DNA recovered under Mr. McLean’s fingernails “*possibly could have persuaded* [a] rational fact finder” that Mr. Johnson committed the robbery and murder of Mr. McLean. *See Scriber*, 236

Md. App. at 344 (emphasis in original). Thus, sufficient evidence supports Mr. Johnson's convictions.

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