UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1633

September Term, 2016

CHRIS BURTON

v.

STATE OF MARYLAND

Graeff,
Berger,
Raker, Irma S.
(Senior Judge, specially assigned),

JJ.

Opinion by Raker, J.

Filed: August 10, 2017

*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.

Chris Burton appeals from his conviction in the Circuit Court for Baltimore City of possession of a regulated firearm and possession of ammunition by a prohibited person.[1] He raises the following questions for our review:

> "1. Did the circuit court err in denying appellant's motion to suppress the firearm seized in violation of appellant's Fourth Amendment right to be free from unreasonable searches and seizures?
>
> 2. Did the circuit court err in imposing separate sentences for appellant's convictions for possession of a firearm after having been convicted of a crime of violence and possession of ammunition after having been prohibited from possessing a regulated firearm?"

For the reasons set forth, we shall affirm.

I.

Appellant was convicted by a jury of possession of a regulated firearm and possession of ammunition by a person prohibited from possessing a regulated firearm in violation of Maryland Public Safety Code ("PS") § 5-133(c)(1) and § 5-133.1.[2] The court sentenced appellant to a term of incarceration of seven years, with all but five suspended, to be served without the possibility of parole, for the possession of a regulated firearm by a prohibited person. Appellant was sentenced to a concurrent term of incarceration of one

[1] Appellant was found not guilty of possession with intent to distribute marijuana.

[2] All subsequent statute references herein shall refer to PS § 5-133(c)(1) and PS § 5-133.1.

year for possession of ammunition by a person prohibited from possessing a regulated firearm.

On May 19, 2016, a day before the trial, the circuit court held a hearing on appellant's motion to suppress the firearm as evidence. Appellant argued that the arrest was illegal, and therefore, the gun was seized illegally. After determining that the police officer acted lawfully, the circuit court denied the motion to suppress. The court stated as follows:

> "The question of the legality of the arrest really depends upon facts and circumstances surrounding the arrest. It's very fact intensive so the facts as I understand them are as follows. First, the two police officers are assigned to a specific area, they refer to it as the Dutch Village box which has been identified as a high crime area where there is prevalence of both drugs and guns. In facts, the testimony was that the day before, they had made two arrests, two drug arrests, one for cocaine I think and one for marijuana. So it is clearly an area in which there is strong suspicion that there is potential for crime. They did an observation, extending for a period of time, perhaps a half hour, perhaps an hour, it's not clear entirely, of this store. The defendant is seen in company of another person engaging in activity which could be innocent and maybe is not innocent. But essentially entering the store, leaving the store without having purchased anything. That in and of itself would not justify anything. But Officer Klado enters the store, smells marijuana, does a search of the companion that they had observed prior, and they in fact found that he is in fact carrying drugs.
>
> Now, at this point, the defendant has left the store but again the testimony, he remains visible because of the glass door and windows, the clerk makes gestures and it's described as pointing to the defendant and the testimony is that the defendant was visible at the time the clerk was pointing to him, although he is outside the store, makes gestures towards his waistband area, and says more. And obviously the police officer would have been justified, and there was a language barrier, would have been justified in assuming that what the clerk was indicating is that there was something improper, illegal, contraband, whatever, in the waistband of the person who's left the store because the clerk has been in a position to observe the arrest of the companion.

At that point, I think there's at least enough justification for a field interview and frankly, I think enough justification perhaps for a *Terry* stop. But it doesn't end there. The first person is arrested, a backup team comes to take him into custody. Officers Gillespie and Klado then go out in their vehicle and are looking and they see the defendant, the defendant sees them, and then he immediately does a 180 and walks away. At this point, the reasonable suspicion perhaps has risen a tad. They pull up next to him, the conversation then goes, hey man, why are you messing with me, and we just want to talk.

At that point, all they're indicating is we want to talk which could be a field interview or perhaps a *Terry* stop but in either event, at this point they have not ordered him to stop, they have not stated anything more than we want a conversation. They get out of the vehicle and he immediately starts running. At this point we clearly have, I think, the potential for a *Terry* stop, and what is more significant, I think, is he's not running but he is running in a peculiar manner. And the description is that he's wearing sweatpants, that he is swinging his left arm running, and that he has his right hand at the area, the waistband area, which is of course precisely the area that the clerk had identified as the location of something. Their training indicated that this is a possible security check and is an indicator that the person might be armed. Certainly at the point where you have a suspicion that a person might be armed, certainly already had a suspicion that he might or might not have been involved in the same drug activity that his companion had been arrested for not too long before, they were certainly justified in chasing him, stopping him, and then inquiring as to what's going on.

Now, what's interesting to me is, when Officer Klado catches up with him and grabs his arm and of course, they both fell, not that he is tackled, it appears that they're on this steep hill and they both fall, something falls out of his waistband, which would of course be exactly why one might put the hand on the waistband while one is running. But what's interesting about that is there is no search ever, or there's a search but the gun is discovered in plain view after the fall.

He is of course – he falls and then he is in fact subdued and the gun is discovered afterwards. But certainly from the time – there's a reasonable articulable suspicion indicating the police have the right to pursue. The gun falls out at that point and the gun is in plain view prior to the time he is actually subdued and arguably perhaps arrested. I think all the elements in this case indicate that the police officers were certainly justified in attempting to talk to him and would have been justified certainly when he is running in

> the peculiar manner in which he is running in doing a pat down for weapons, at least. So it would have been inevitable, in any event, that they would have patted him down for the weapon, but in fact there was no search because the weapon falls out on its own.
>
> For all these reasons, I think that the police officer acted properly and I will deny the motion to suppress."

The following facts were presented at the hearing on the motion to suppress the firearm.

On October 4, 2015, at approximately 5:30 p.m., Baltimore Police Department Officers Gary Klado and Corey Gillespie were conducting covert surveillance on an Eagle Mart in the area of Northern Parkway and McClean Boulevard, an area that had a lot of violent crime and drug activity. While observing the Eagle Mart, Officer Klado saw appellant and Crayton enter and exit the store several times without bags, which indicated to the officer that they hadn't purchased anything, and then observed the two men go to the apartments. Officer Klado suspected that they were conducting illegal transactions. He entered the Eagle Mart while appellant and Crayton were in the store. As Officer Klado walked through the door, appellant walked out of the store. When Officer Klado approached Crayton, he detected the smell of marijuana coming from him. He arrested Crayton and pursuant to a search incident to arrest, he seized one ounce of marijuana.

As Officer Klado was arresting Crayton, the store clerk, behind the counter, attempted to get his attention. The clerk, who could not communicate well due to a language barrier, pointed out the door in appellant's direction, motioned towards his waistband, and said "more." Officer Klado looked out the store's glass, front window, and

saw appellant walking across McClean Boulevard towards some apartments near Fleetwood Avenue. After officers came to assist with the arrest of Crayton, Officer Klado picked up Officer Gillespie from his covert location and told him that they needed to find appellant. The officers drove onto Fleetwood Avenue where they saw appellant walking back toward the Eagle Mart with two other men.

Upon seeing the officers, appellant turned and walked back towards the apartments. Officer Klado drove his marked police car next to appellant and said, "[H]ey, man." Appellant responded, "[W]hy are you guys messing with me," jumped back, and grabbed his waistband. After Officer Klado told appellant that the officers just wanted to talk, he fled on foot. Officers Klado and Gillespie chased appellant on foot to the slope of a nearby hill. While chasing appellant, the officers noticed that he held his waistband with his right hand. Officer Gillespie ran to the bottom of the hill, while Officer Klado pursued appellant toward the top of the hill. Officer Gillespie testified that he saw what appeared to be a heavy object in the thigh area of appellant's sweatpants.

Both officers testified that based on their police training and appellant's behavior, they believed that appellant was armed. Officer Klado noted that appellant held his waistband with his right hand and ran "at about half speed," which indicated to him appellant was armed.

Officer Klado caught up with appellant and grabbed him. They both fell and rolled about half way down the hill. As they rolled, Officer Klado observed a silver object fall out of appellant's sweatpants. Once appellant was secured with the help of other officers,

Officer Klado retraced his steps and recovered a handgun and a cell phone that appellant claimed belonged to him.

The jury convicted appellant of possession of a regulated firearm by a prohibited person and possession of ammunition by a prohibited person. This timely appeal followed.

II.

Before this Court, appellant argues that the circuit court erred in denying his motion to suppress the firearm seized in violation of his Fourth Amendment right to be free from unreasonable searches and seizures. Appellant argues that the circuit court erred in concluding that the firearm would have been inevitably discovered on the grounds that the police officers would have been justified in searching appellant, and seizing the gun, even if the gun had not fallen to the ground. Appellant contends that he was detained based on a tip from the store clerk that he had something at his waist, which alone does not support a *Terry* stop. Appellant argues that flight from the police does not provide reasonable suspicion, and that an area high in crime or notorious for drug dealing is insufficient to justify the detention of an individual, even if that person looks nervous or displays signs of being armed. Appellant asserts that the presence of a bulge in a person's pants does not justify a search and pat down for weapons by police officers. Appellant concludes that his detention was not justified by reasonable suspicion or probable cause, and thus, the circuit court erred in denying his motion to suppress.

Appellant also argues that the circuit court erred in imposing separate sentences for possession of a firearm after having been convicted of a crime of violence under PS § 5-133(c)(1) and possession of ammunition after having been prohibited from possessing a regulated firearm under PS § 5-133.1. Appellant acknowledges that no objection was raised below to the separate sentences for the two offenses. Appellant argues, however, that while *Potts v. State*, 231 Md. App. 398 (2016) held that an objection was required to preserve the issue, this was an illegal sentence and may be challenged at any time, even if no objection is raised below. Appellant maintains that our decision in *Potts*, that separate convictions and sentences could be imposed for possession of a firearm and possession of ammunition as a prohibited person, was wrong. Appellant challenges the validity of *Potts*, and maintains that *Dickerson v. State*, 324 Md. 163 (1991), where the Court of Appeals held that possession of a vial of cocaine did not give rise to two separate convictions for possession of cocaine and possession of paraphernalia, is controlling.

As to the sentences, appellant argues that his two convictions should merge under the required evidence test, the rule of lenity, and principles of fundamental fairness. He argues that the two convictions should be merged under the required evidence test because the statute does not proscribe possession of an unloaded firearm, only possession of any firearm which would make merger of the two crimes justified. Appellant contends that merger is appropriate under the rule of lenity because the legislative intent to make dual possession constitute two separate crimes is unclear from the statute. Because the legislative intent is unclear, appellant asserts that he should be given the benefit of the

doubt as to merger. Appellant argues that the two offenses should merge under considerations of fairness and reasonableness because the statute does not establish clear intent to punish a defendant for possession of ammunition that is loaded into the firearm.

The State counters that there was no error by the circuit court. The State argues that the police did have reasonable suspicion to believe that appellant was engaged in criminal activity and that he was armed. The State contends that the nature of the area, appellant walking back and forth between the Eagle Mart and the apartments with Crayton before he was arrested, and the store clerk's tip that appellant had contraband in his waistband, authorized the officers to approach and stop appellant. The State asserts that the fact that appellant grabbed his waistband, the area where the store clerk had pointed to, when the officers approached him in their car, further heightened their suspicion. The State argues that when looking at the totality of those circumstances, the officers had reasonable suspicion to conduct a *Terry* stop for further investigation. The State also contends that appellant's conduct throughout the chase provided further proof that he was engaged in criminal activity. The State adds that as appellant ran slowly, Officer Gillespie observed an object swinging in his sweatpants, and that appellant only swung his left arm and used his right arm to grab the waistband of his sweatpants. The State argues that Officer Gillespie, based on his training and experience, recognized appellant's conduct as a security check on the weapon to make sure it did not fall out, which provided reasonable articulable suspicion for the officers to believe that appellant was armed.

In the alternative, the State argues that the gun was not recovered during a search, and therefore the Fourth Amendment was not implicated. The State contends that the gun was not recovered in a search because Officer Klado never gained physical control over appellant because they both fell on the steep hill, and that Officer Gillespie saw the gun fall off appellant's body as he fell, which brought the gun into open view. The State asserts that when the gun was in open view, appellant was not seized yet because the police officers were still chasing him on the hill.

The State maintains that the circuit court correctly imposed separate sentences for possession of ammunition and possession of a firearm after having been convicted of a crime of violence. Appellant failed to object to the imposition of separate sentences for the possession of ammunition and possession of a firearm after having been convicted of a crime of violence, and that because appellant did not object to the separate sentences, he has not preserved his claim for our consideration.

On the merits, appellant's claims on the separate sentences fails. The State argues that under *Potts*, we declined to merge the separate sentences for possession of a firearm after having been convicted of a crime of violence and possession of ammunition after having been prohibited from possessing a regulated firearm under the required evidence test, the rule of lenity, and fundamental fairness. The State asserts that conviction for the possession of ammunition should stand because the unit of prosecution was not a loaded firearm for both convictions, but a firearm under PS § 5-133(c)(1) and ammunition under PS § 5-133.1. The State contends that *Potts* is controlling in this case because the issues

in *Potts* are the same as the issues in the present case. The State argues that the present case is distinguished from the drug case of *Dickerson* because a person can possess a gun without the ammunition, but cocaine requires a container in which to hold it. The State also asserts that a vial used to hold cocaine does not change its quality or character, but a gun with ammunition transforms the nature of the gun from merely threatening to potentially lethal. The State concludes that both convictions and sentences should stand.

III.

In reviewing a circuit court's denial of a motion to suppress, ordinarily "we must rely solely upon the record developed at the suppression hearing." *Barnes v. State*, 437 Md. 375, 389 (2014) (internal citations omitted). We view the evidence and inferences that may be drawn from the evidence in the light most favorable to the prevailing party, in this case, the State. *Briscoe v. State*, 422 Md. 384, 396 (2011). We review legal questions *de novo*. *Grant v. State*, 449 Md. 1, 14 (2016). We make an independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case. *Id.* at 14-15. We will not disturb the factual findings of the suppression court unless they are clearly erroneous. *Id.* at 15.

The Fourth Amendment to the United States Constitution states that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated[.]" U.S. Const. amend. IV. Under the Fourth Amendment, a seizure is the non-consensual detention of a person. *Barnes*, 437 Md. at

390; *see also Terry v. Ohio*, 392 U.S. 1, 16 (1968) ("It must be recognized that whenever a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person"). A law enforcement officer may conduct a brief, investigatory stop of an individual if he has reasonable articulable suspicion that there is criminal activity afoot. *Sellman v. State*, 449 Md. 526, 541 (2016) (internal citations omitted). A police officer has reasonable articulable suspicion when he assesses "the totality of the circumstances, viewed through the eyes of a reasonable, prudent, police officer." *Id.* at 542 (internal citations omitted). We give deference to a police officer's experience and specialized training which allows the officer to make inferences that "might well elude an untrained person." *Id.* at 543 (internal citations omitted). The standard for reasonable articulable suspicion is "less than probable cause, but more than a mere hunch." *Sykes v. State*, 166 Md. App. 206, 217 (2005). If an officer has a reasonable articulable suspicion that a suspect is armed and dangerous, the police officer may lawfully frisk the individual for weapons. *Sellman*, 449 Md. at 541-42 (internal citations omitted); *see also Reid v. State*, 428 Md. 289, 297 (2012).

In this case, the totality of the circumstances shows that the officers had reasonable articulable suspicion to conduct a *Terry* stop and frisk of appellant. The area in which Officers Gillespie and Klado were conducting covert surveillance was a high crime area, known to have a lot of drug activity. The officers observed appellant and Crayton move back and forth between the Eagle Mart convenience store and a nearby apartment complex on a number of occasions and saw no evidence that either of the men made a purchase at

the store. After arresting Crayton for possessing marijuana, the store clerk, who had observed both appellant and Crayton inside the store, directed Officer Klado's attention to appellant's waistband and said, "more." Then when the two officers drove their police vehicle next to appellant, they observed him grab the waistband of his sweatpants, which suggested to them that he might be armed. Appellant's flight increased the officer's suspicion that he was involved in criminal behavior. As appellant was running, both officers noticed that he was holding the waistband of his sweatpants with his right hand and that he was running slowly. The officers' expertise and training made them suspect that appellant was armed. Officer Gillespie observed a heavy object in appellant's sweatpants. All of this evidence, viewed in the totality of the circumstances, reveals that the officers had reasonable articulable suspicion that appellant was armed to conduct a *Terry* stop, and to further investigate appellant.

When Officer Klado caught up to appellant, grabbed his arm, and fell to the ground, the handgun came into open view. Contrary to appellant's contention, at that point, the officer had reasonable articulable suspicion to stop appellant and conduct a protective frisk. As a result, the officers' discovery of the weapon was not the fruit of an illegal seizure.

IV.

The Double Jeopardy Clause of the Fifth Amendment of the United States Constitution prohibits "multiple punishment[s] for the same offense." *Brown v. State*, 311 Md. 426, 431 (1988). Our determination of whether two sentences are prohibited under a

unit of prosecution analysis is "ordinarily determined by reference to legislative intent." *Garner v. State*, 442 Md. 226, 236 (2015) (internal citations omitted); *see also Brown v. State*, 311 Md. 426, 434 ("The unit of prosecution of a statutory offense is generally a question of what the legislature intended to be the act or course of conduct prohibited by the statute for purposes of a single conviction and sentence"). Legislative intent is determined by "look[ing] first to the words of the statute, read in the light of the full context in which they appear, and in light of external manifestations of intent or general purpose available through other evidence." *Davis v. State*, 319 Md. 56, 60 (1990) (internal citations omitted). We approach the language of the statute from a commonsensical, rather than technical, perspective "to avoid giving the statute a strained interpretation or one that reaches an absurd result." *Dickerson v. State*, 324 Md. 163, 171 (1991).

Potts is controlling and notwithstanding appellant's claim that *Potts* was wrongfully decided, we decline to reconsider that case, even if we had the authority to do so. This case is indistinguishable from *Potts*. Police officers were conducting an unrelated investigation when they observed Potts walking toward them with his left arm swinging and his right hand "affixed to his mid-section, grabbing his dip area." *Potts*, 231 Md. App. at 405-06 (internal citations omitted). Two of the officers testified that "grabbing the dip area is an indication that a person is armed." *Id.* at 406. After Potts noticed the officers, he removed a black handgun from his waistband and fled. *Id.* The officers chased Potts, and when they saw him next, he was running with both hands "open." *Id.* After Potts was apprehended, one of the officers went back to the location where he had last observed Potts

and recovered a loaded black and silver firearm with a magazine containing sixteen rounds. *Id.* An expert in firearms operability testified that the weapon recovered was a handgun and that it was operable. *Id.* As the result of a prior conviction, Potts was prohibited from possessing a regulated firearm. *Id.* at 406-07. Potts was convicted of both possession of a firearm after having been convicted of a crime of violence and possession of ammunition after having been prohibited from possessing a regulated firearm, and received separate sentences for each of those crimes. *Id.* at 404-05.

On appeal, Potts challenged the imposition of separate sentences on the ground that "both convictions were predicated upon the possession of the same loaded firearm and, under the unit of prosecution analysis or pursuant to traditional principles of merger, the sentence for possession of ammunition must be vacated." *Id.* at 411-12. We rejected that contention on the ground that the specific statutes at issue were "not predicated upon possession of the same loaded firearm, but upon possession of the firearm under PS § 5-133(c)(1) and possession of ammunition under PS § 5-133.1" *Id.* at 412. We explained as follows:

> "The enactment of PS § 5-133.1 as a separate statutory provision and the plain meaning of the statutory language reveal an intent on the part of the Legislature to punish possession of ammunition separately from a conviction for possession of a firearm under PS § 5-133(c)(1). This is also supported by the legislative history. PS § 5-133.1 was enacted three years ago as part of the Maryland Firearm Safety Act of 2013, for the purpose of 'significantly modif[ying] and expand[ing] the regulation of firearms, firearms dealers, and ammunition in the State[.]' S.B. 281 (2013 Sess.), Fiscal & Policy Note at p. 1. That statute provides for a separate sentence under PS § 5-133.1(c). In light of the Legislature's plain intent to make possession of ammunition a separate and distinct offense, a unit-of-prosecution analysis does not apply

> so as to mandate that Potts's sentence for possession of ammunition be vacated."

Id. at 412-13.

We held that the sentences did not merge under the required evidence test, the rule of lenity, or principles of fundamental fairness. *Id.* at 413. The sentences did not merge under the required evidence test, which focuses on the required elements of each offense to determine whether each provision requires proof of a fact which the others do not, because one crime required the proof of a firearm, while the other did not, and one crime required the proof of ammunition, while the other did not. *Id.*

Merger was not required under the rule of lenity, which applies when a defendant is convicted of at least one statutory offense and there is no indication that the Legislature intended multiple punishments for the same act. *Id.* We held that the rule of lenity did not apply in *Potts* because "the Legislature clearly intended to punish the possession of ammunition as a separate statutory offense." *Id.* at 414.

With respect to Pott's contention that merger was required under principles of fundamental fairness, we declined to decide that issue because it had not been preserved for our consideration. *Id.* We noted, however, that even if the issue had been preserved, merger would not be required because the Legislature clearly intended to permit multiple sentences for the crimes and imposition of separate sentences was not fundamentally unfair. *Id.*

Contrary to appellant's contention, our reasoning in *Potts*, not *Dickerson,* applies here. In *Dickerson*, the defendant was the passenger in a vehicle that was pulled over by

police for speeding. *Dickerson*, 324 Md. at 164-65. Police found a Crown Royal bag containing a vial of crack cocaine between the front seats. *Id.* at 165. Based solely on the vial of cocaine found in the Crown Royal bag, Dickerson was charged with and convicted of use of drug paraphernalia and possession of the cocaine within the vial with intent to distribute. *Id.* The Court of Appeals considered whether the Legislature intended that "two convictions result whenever a container is used to contain, store or conceal a controlled dangerous substance." *Id.* at 170. The Court determined that Dickerson could only be convicted of possession of cocaine with the intent to distribute because "when there is no other drug paraphernalia, a defendant may only be convicted of possessing cocaine with the intent to distribute[.]" *Id.* at 174. The court stated as follows:

> "Although the cocaine petitioner possessed and the vial he used to possess it are not 'for all practical purposes, irrevocably joined as one,' the facts of this case place it closer to that end of the spectrum than to the other, where, for all practical purposes, there is no necessary connection between the two acts. Viewing the matter from a common sense perspective, we are persuaded that the Legislature did not intend, by enactment of § 287A, to sanction dual convictions under the circumstances sub judice."

Id. at 173 (internal citations omitted).

The unit of prosecution in the present case, as in *Potts*, was the firearm under PS § 5-133(c)(1), and the ammunition under PS § 5-133.1, not a loaded firearm for both convictions. As in *Potts*, the imposition of separate sentences is appropriate because the fact that PS § 5-133.1 is listed separately from PS § 5-133(c)(1) reveals an intent on the part of the Legislature to punish possession of ammunition separately from possession of a firearm under PS § 5-133(c)(1). The text of the statute provides a separate sentence for

the possession of ammunition when a person is prohibited from possessing a firearm under PS § 5-133(b) or (c). The text of PS § 5-133(c)(1) states that a person may not "possess a regulated firearm[;]" it does not state that the firearm must be loaded because PS § 5-133.1 separately addresses ammunition.

We decline to merge the sentences under the required evidence test because, as in *Potts*, one crime requires proof of a firearm, while the other does not, and one crime requires proof of ammunition, which the other does not. Merger is not appropriate under the rule of lenity because the text of the statute shows that the Legislature clearly intended to punish the possession of ammunition separately from possession of a firearm. With respect to appellant's contention that merger is required under principles of fundamental fairness, as in *Potts*, we decline to decide the issue because this issue has not been preserved for our review because appellant did not argue this below. We note that even if the issue had been preserved, merger would not be required because the Legislature intended to permit separate sentences for the crimes, and the imposition of those separate sentences was not fundamentally unfair.

Dickerson is distinguishable from this case because unlike cocaine which needs a container in which to hold it, a person can possess a gun without ammunition and ammunition without a gun. A vial used to hold cocaine, does not change the character of the substance, but pairing a gun with ammunition transforms the nature of the gun into a potentially lethal object. When we approach the argument from a common sense perspective, the threat posed by a loaded firearm is much greater than an unloaded one,

thus, it would seem reasonable that the Legislature would separately criminalize the possession of the firearm and the possession of the ammunition to load the firearm.

For these reasons, we find no error in the circuit court's decision to impose separate sentences for the possession of a regulated firearm by a prohibited person and possession of ammunition by a prohibited person.

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