

Circuit Court for Prince George's County
Case No. CT200834X

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2112

September Term, 2022

EDRAS ISAAC RUIZ

v.

STATE OF MARYLAND

Ripken,
Tang,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 2, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by a jury in the Circuit Court for Prince George’s County of two counts of illegal possession of a regulated firearm, Edras Isaac Ruiz, appellant, presents for our review a single issue: whether the evidence is insufficient to sustain the convictions. For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State called Prince George’s County Police Detective Jeremy Bourget, who testified that on May 4, 2020, he obtained a warrant to search a residence located at 1912 Fox Street, Unit 103, in Adelphi. Detective Bourget stated that he identified that address as Mr. Ruiz’s home because it was the “[M]otor [V]ehicle [A]dministration address for” him and his mother. On May 8, 2020, Detective Bourget and other officers executed the warrant and searched the residence. In one of the bedrooms of the residence, the officers discovered, on the floor of a closet, a Glock handgun with “an extended magazine . . . loaded with ammunition.” Officers also discovered in the closet a shoebox containing “four magazines and additional ammunition,” “mail addressed to” Mr. Ruiz, and “a Social Security card with the name of” Mr. Ruiz. On a mirror in the bedroom, officers saw photos of Mr. Ruiz. Officers also discovered in the bedroom “a birth certificate and [MVA] paper work with” Mr. Ruiz’s name, and “a Maryland I.D. belonging to” Mr. Ruiz. In a drawer of a dresser in the bedroom, officers discovered “a gun light that attaches to the front of a handgun.”

The State also called Prince George’s County Police Detective Che Atkinson, who testified that he was the officer who discovered the firearm, ammunition, magazines, and documents. When asked where the firearm was located, Detective Atkinson stated: “It was located in the bedroom. It was actually – a pile of clothes was sitting on top of a chair

that was located next to the bed.” The detective further stated: “So, the white chair that’s flipped over, there [were] clothes on top of that chair. And I turned the chair over. That’s when the firearm had come out that was underneath the clothes sitting on that white . . . comfort chair.” Detective Atkinson further testified that the “mail addressed to” Mr. Ruiz contained his e-mail address and was addressed to him at 1912 Fox Street, Unit 103 in Adelphi.

Mr. Ruiz contends that because he “was not present when the gun was seized,” “others were present in the house” at the time of the seizure, “the gun was not found in plain view,” “the State failed to show that Mr. Ruiz had exclusive access,” and the “personal papers and photos of him and his family” did not connect him “to the ‘pile of clothes’ under which the gun was hidden,” the evidence “could not support a reasonable inference that he possessed the gun.” We disagree. “In order for the evidence supporting [a] handgun possession conviction to be sufficient, it must demonstrate either directly or inferentially that [the defendant] exercised some dominion or control over the prohibited item[.]” *Parker v. State*, 402 Md. 372, 407 (2007) (internal citations, quotations, and brackets omitted). Here, the State produced evidence that the handgun was found in a residence that Mr. Ruiz registered with the Motor Vehicle Administration as his residence, and in turn, in a bedroom that Mr. Ruiz used as his bedroom. Officers discovered not only the handgun underneath the pile of clothes, but in a location away from the handgun, “four magazines and additional ammunition,” which were immediately adjacent to mail addressed to Mr. Ruiz and his Social Security card. Finally, officers discovered in a location away from the handgun an accessory for the handgun, specifically the “gun light.”

We conclude that this evidence demonstrates either directly or inferentially that Mr. Ruiz exercised dominion or control over the handgun, and hence, the evidence is sufficient to sustain the convictions.

**JUDGMENTS OF THE CIRCUIT COURT
FOR PRINCE GEORGE'S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**