

Circuit Court for Baltimore City  
Case No. 118059007

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2197

September Term, 2018

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VIRGIL WEBB

v.

STATE OF MARYLAND

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Berger,  
Friedman,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: March 2, 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.

Convicted by a jury in the Circuit Court for Baltimore City of possession of heroin, Virgil Webb, appellant, presents for our review a single question: Is the evidence sufficient to sustain the conviction? For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State produced evidence that on January 30, 2018, Baltimore City Police Officers Critzer, Taurisano, Brunson, and Shank were riding in an unmarked vehicle in the City's Northwest District. When Officer Critzer parked the vehicle at a 7-11 so that he could use the store's bathroom, Officer Taurisano observed, a couple of spots to his right, a white Toyota Solara with heavily tinted windows and Virginia tags. Officer Taurisano approached the Toyota and observed Mr. Webb sitting in the driver's seat. Officer Critzer shined his flashlight into the Toyota and observed, in the back seat, a passenger later identified as Darrell Rich. After speaking with Mr. Webb, Officer Taurisano observed, on the front passenger seat and floorboard of the Toyota, blue ziplock bags containing what the officer suspected to be marijuana.

Officer Taurisano removed Mr. Webb from the Toyota and asked him, "is this your vehicle?" Mr. Webb first replied that the Toyota belonged to his "friend's cousin or sister," then stated that it belonged to his "friend's girl[]." Officer Taurisano subsequently searched the Toyota and discovered, in the driver's side door, money and a plastic bag containing smaller ziplock bags, which in turn contained what the officer suspected to be heroin. In the center console of the Toyota, Officer Taurisano found clear ziplock bags containing what the officer suspected to be marijuana. Officer Critzer searched Mr. Rich and discovered in his waistband area a clear plastic bag containing nine clear ziplock bags,

which in turn contained what the officer suspected to be marijuana. The officer subsequently searched the Toyota and discovered, under the center console, two handguns. Officer Taurisano later determined that the Toyota was registered to an individual named Raquel Carter, and had not been reported stolen. An expert in the analysis of controlled dangerous substances subsequently determined that the substance seized from the driver's side door of the Toyota contained heroin, and the substances seized from the front passenger seat, floorboard, and center console of the Toyota contained marijuana.

Mr. Webb contends that because “the State’s witnesses established that the car did not belong to Mr. Webb or” Mr. Rich, the “State did not present any evidence of Mr. Webb’s fingerprints or DNA on the heroin packaging,” and “Mr. Webb did not make any inculpatory statements accepting responsibility for the heroin,” a “reasonable juror could not have found beyond a reasonable doubt that Mr. Webb knowingly possessed heroin.” We disagree. It is true that “in order to be found guilty” of possession of a controlled dangerous substance, a defendant “must know of both the presence and the general character or illicit nature of the substance.” *Dawkins v. State*, 313 Md. 638, 651 (1988). But, “such knowledge may be proven by circumstantial evidence and by inferences drawn therefrom.” *Id.* The Court of Appeals has

articulated four factors as pertinent to the issue of whether evidence is sufficient to support a finding of possession:

. . . [1] the defendant’s proximity to the drugs, [2] whether the drugs were in plain view of and/or accessible to the defendant, [3] whether there was indicia of mutual use and enjoyment of the drugs, and [4] whether the defendant has an ownership or possessory interest in the location where the police discovered the drugs.

*State v. Gutierrez*, 446 Md. 221, 234 (2016) (internal citation omitted). “With respect to the concept of ‘mutual use and enjoyment,’ not only is actual use contemplated but also whether individuals participated in drug distribution.” *Id.* at 237 (citation omitted).

Here, Mr. Webb was found immediately adjacent to the door of the Toyota where the heroin was discovered. The heroin was accessible to Mr. Webb, as Officer Taurisano discovered the heroin in plain view upon opening the door. The State presented considerable evidence, including the quantity and manner of packaging of the heroin and marijuana and the presence of two firearms, from which the jury could reasonably infer that Mr. Webb and Mr. Rich intended to distribute the heroin. *See Purnell v. State*, 171 Md. App. 582, 612 (2006) (“the very quantity of narcotics in possession may indicate an intent to distribute” (internal citations and quotations omitted)); *Whiting v. State*, 125 Md. App. 404, 417 (1999) (“we have acknowledged a nexus between drug distribution and guns, observing that a person involved in drug distribution is more prone to possess firearms than one not so involved” (citations omitted)). Finally, Mr. Webb’s statement to Officer Taurisano that the Toyota belonged to an associate of Mr. Webb’s friend, and the fact that the Toyota had not been reported stolen, indicated that Mr. Webb was using the Toyota with his friend’s permission, and hence, had a possessory interest in the Toyota. This evidence, albeit circumstantial, supports a rational inference that Mr. Webb knew of

the presence and general character or illicit nature of the heroin, and hence, the evidence is sufficient to sustain the conviction.

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