Circuit Court for Queen Anne's County
Case No. C-17-CR-18-000391

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 950

September Term, 2022

AARON LAWRENCE JOHNSON

v.

STATE OF MARYLAND

Friedman,
Zic,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: December 15, 2023

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

Following a bench trial, the Circuit Court for Queen Anne's County convicted appellant, Aaron Johnson, of 15 charges including drug, drug paraphernalia, firearm, and ammunition possessory offenses. The trial court sentenced Johnson to a total of 20 years in prison, suspending all but ten years. On appeal,[1] Johnson asks us to consider the following questions:[2]

> 1. Did the trial court fail to comply with Maryland Rule 4-215 regarding Appellant's request to discharge counsel?
>
> 2. Was the evidence insufficient to support the convictions?

We conclude that the trial court failed to conduct a proper inquiry under Rule 4-215. Accordingly, we reverse Johnson's convictions and remand for further proceedings. We also hold that the evidence was sufficient to sustain his conviction, therefore, the State is permitted to retry Johnson for the charged crimes.

FACTS AND LEGAL PROCEEDINGS

On the evening of May 28, 2018, Queen Anne's County Sheriff's Department Deputy Michael Piasecki was on stationary patrol, operating radar, when he observed a vehicle with "very, very dark tinted windows" and Virginia registration driving 12 miles

[1] Although Johnson did not file a notice of appeal, after instituting post-conviction proceedings, he was permitted to file a belated notice of appeal, which he did in a timely manner.

[2] Johnson presents a third question on appeal regarding whether the trial court erred by failing to vacate and merge multiple convictions. We do not consider the third question Johnson poses because reversing his convictions renders the sentence imposed upon him moot.

over the speed limit on Route 304 in Centreville. Piasecki initiated a traffic stop, and when he approached the vehicle, the deputy detected a faint odor of raw marijuana.

Piasecki identified the driver and only occupant of the vehicle as Johnson, who said the vehicle belonged to his "brother"—whom he later clarified was not his brother but a friend he grew up with—and that he was traveling from Delaware to visit his mother in Upper Marlboro, Maryland. Johnson told the deputy that he was in possession of the vehicle for approximately one week but only drove the vehicle that day.

Officer Piasecki went back to his cruiser to print out a warning for the speeding violation and retrieved his K9 dog. Piasecki asked Johnson to exit the car, and while the deputy was rolling up the driver's side window, the button controlling the window fell off. Johnson stated that happened often, and he was able immediately to replace the button.

Piasecki's K9 dog alerted for narcotics in the vehicle, so Piasecki initiated a probable cause search. The deputy noted what appeared to be blood stains on the center console and front seat of the vehicle, and Johnson explained that he had cut his hand on a piece of glass several days before and had received stitches.

During the search of Johnson's vehicle Officer Piasecki recovered a bag containing 23 grams of marijuana from the ground near Johnson's feet after he had exited the car, and a loaded 9mm handgun under the driver's seat. On the front passenger seat, Officer Piasecki found small glassine baggies. On the passenger side floor of the vehicle Piasecki recovered more glassine baggies, envelope folds, numerous small rubber bands, and a piece of a plastic straw containing a residue of heroin in a black grocery bag. Piasecki also recovered pieces of a broken digital scale in the center console. In the trunk of the car

Piasecki recovered loose particles of marijuana, more glassine bags, cigar wrappers, and .45 caliber ammunition inside a laundry bag in the trunk.

Johnson was charged with fifteen counts all related to the possession of marijuana with the intent to distribute, possession of a controlled dangerous substance, and possession of a firearm and ammunition. Johnson appeared at a bail review hearing in the circuit court on July 25, 2018. At that time, no attorney had entered an appearance on his behalf. The trial court explained the nature and penalties of Johnson's charges, and the State notified the court that some of the charges were subject to the mandatory minimums. Thereafter, the State presented the mandatory minimums, which the court accepted and set bail in the amount of $100,000.

At the start of the bench trial, Johnson's appointed public defender notified the trial court that Johnson wished to strike her appearance and represent himself. The Court then suggested, and defense counsel agreed, a hybrid arrangement which it referred to as a "sort of a standby arrangement, which is a compromise." Thus, defense counsel was not discharged but remained at the trial table throughout the trial, and Johnson was allowed to present his own defense. Both Johnson and defense counsel participated throughout the trial with Johnson making an opening statement, examining a witness, and making the closing argument. Defense counsel questioned the remaining witnesses, argued a motion to suppress the evidence and motions for judgment of acquittal, and added to Johnson's closing argument. At the conclusion of the trial, Johnson was convicted of 15 charges including drug, drug paraphernalia, firearm, and ammunition possessory offenses.

DISCUSSION

I. MARYLAND RULE 4-215

Johnson argues that the trial court erred in failing to comply strictly with Maryland Rule 4-215 in relation to his request to discharge counsel by (1) failing to follow the waiver inquiry process required by Rule 4-215(e), and (2) permitting him to discharge his attorney without ensuring compliance with Rule 4-215(a)(3). Although, in our view, the trial court may have acted reasonably in an effort to promote judicial efficiency in permitting Johnson to represent himself while retaining the assistance of his attorney, we are constrained to conclude that the court's ruling on the discharge of counsel was ambiguous and did not comply with the strict rubric required by Rule 4-215.

When Johnson's appointed public defender notified the trial court that Johnson wished to strike her appearance and represent himself, the court suggested a hybrid arrangement. Johnson, who was 24 years old and had graduated high school and some college, stated that he had an opportunity to discuss his defense with his attorney. After Johnson was sworn in, the court explained:

> THE COURT: In my experience, it is almost always a mistake for a person charged with a crime to give up his right to an attorney who's trained and experienced in how to conduct a criminal defense in court [and] attempt to do it himself. So I'm very concerned about why you feel that you are better off representing yourself, rather than have the services of your public defender. You want to explain that to me.
>
> THE DEFENDANT: Yes. Your Honor, first, I would like to humbly thank you and the officials of this court for hearing my defense. I just feel it necessary because over the last four months, I've only seen my attorney twice, twice. One—the first occasion that I seen my attorney, we didn't even have our discoveries and it was disclosed to me by my attorney that you'll be getting out of jail by the time you're 30. With no evidence on the table,

> this was disclosed to me by my attorney. Now, this lady, she has a heart of gold and I can attest to that.
>
> THE COURT: You're referring to [Defense Counsel]?
>
> THE DEFENDANT: Yes, I can attest to that, but I just felt like my fate in this court was pre-ordained before any evidence was even on the table. The second time that she came to see me, the only reason that she came to see me was for me to take a plea.

The court clarified that Johnson was not requesting a new attorney, rather, that he was asking for his "existing attorney [to] strike her appearance and then [ ] be allowed to represent [himself.]" Johnson stated that he had arguments in his "own defense" and the court again suggested a "sort of middle ground" where Johnson would present his own defense and defense counsel would remain to help Johnson "instead of striking her appearance." Johnson and defense counsel both agreed to this arrangement where defense counsel would be available if "some questions [came] up that [Johnson was] uncertain of." Thus, the court concluded that Johnson had made "at least a partial waiver of [his] right to counsel" that was a "knowing and voluntary decision on [his] part."[3]

Johnson proceeded to trial and defense counsel remained with Johnson at the trial table. Johnson and defense counsel both participated throughout the trial with Johnson making an opening statement where he denied knowledge of any of the contraband recovered from the vehicle he had borrowed from his friend. Likewise, the trial court

[3] The State did not object to this arrangement but stated that the defense counsel and the State had previously agreed to two stipulations. The stipulations were that "Johnson was prohibited from possessing a regulated firearm and that the substances found in the car were tested and determined to be marijuana and heroin." Johnson agreed to both stipulations.

addressed both Johnson and the attorney with questions during the trial. Johnson also examined one of the witnesses and made the closing argument. Defense counsel questioned the remaining witnesses, argued a motion to suppress the evidence and motions for judgment of acquittal, and added to Johnson's closing argument. At the end of the trial, Johnson was convicted of 15 charges including drug, drug paraphernalia, firearm, and ammunition possessory offenses.

The Sixth Amendment to the United States Constitution and Article 21 of the Maryland Declaration of Rights guarantee a criminal defendant the right to assistance by an attorney, but also the right to reject counsel and represent himself. *Lopez v. State*, 420 Md. 18, 33 (2011) (citing *Parren v. State*, 309 Md. 260, 262-63 (1987)). Maryland Rule 4-215 was implemented to protect a defendant's fundamental right to counsel and "explicates the method by which the right to counsel may be waived by those defendants wishing to represent themselves." *Broadwater v. State*, 401 Md. 175, 180 (2007). Maryland Rule 4-215(e) provides:

> If a defendant requests permission to discharge an attorney whose appearance has been entered, the court shall permit the defendant to explain the reasons for the request. If the court finds that there is a meritorious reason for the defendant's request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds no meritorious reason for the defendant's request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. If the court permits the defendant to discharge counsel, it shall comply with subsections (a)(1)-(4) of this Rule if the docket or file does not reflect prior compliance.

In addition, Rule 4-215(a) "implements the constitutional mandates for waiver of counsel, detailing a specific procedure that must be followed by the trial court in order for there to be a knowing and intelligent waiver." *Richardson v. State*, 381 Md. 348, 367 (2004) (cleaned up). Under that subsection of the Rule, before the defendant can discharge counsel, the trial court has three obligations. First, the court must ensure that the defendant has received a copy of the charging document. Second, the trial court must inform the defendant of his right to counsel and the importance of counsel. Third, the trial court must advise the defendant of the nature of the charges and the allowable penalties, including mandatory penalties, if any. Md. Rule 4-215(a)(1)-(3).

Rule 4-215(e) requirements are considered mandatory in order "to protect the fundamental rights involved, to secure simplicity in procedure, and to promote fairness in administration." *Parren*, 309 Md. at 280. Furthermore, the Rule requires "strict compliance" and "a trial court's departure from the requirements of Rule 4-215 constitutes reversible error." *Pinkney v. State*, 427 Md. 77, 87-88 (2012) (cleaned up).[4] "In evaluating the trial court's compliance with Rule 4-215(e), Maryland appellate courts generally apply a *de novo* standard of review." *Cousins v. State*, 231 Md. App. 417, 438 (2017) (*citing State v. Graves*, 447 Md. 230, 240 (2016)).

Compliance with Rule 4-215(e) is triggered by "'any statement from which a court could conclude reasonably that the defendant may be inclined to discharge

[4] Harmless error analysis is inapplicable and cannot satisfy Rule 4-215. *Lopez v. State*, 420 Md. 18, 31 (2011).

counsel.'" *Gambrill v. State*, 437 Md. 292, 302 (2014) (cleaned up). Next, "the process outlined in Rule 4-215(e) begins with a trial judge inquiring about the reasons underlying a defendant's request to discharge the services of his trial counsel and providing the defendant an opportunity to explain those reasons." *Pinkney*, 427 Md. at 93 (cleaned up). The court must then determine "whether the defendant's desire to discharge counsel is meritorious." *Gonzales v. State*, 408 Md. 515, 531 (2009) (citing *Moore v. State*, 331 Md. 179, 186-87 (1993)).

In so doing, "[t]he trial judge must give much more than a cursory consideration of the defendant's explanation." *Johnson v. State*, 355 Md. 420, 446 (1999) (citing *Moore*, 331 Md. at 185). In other words, the record should reflect the courts consideration of the defendant's reasons. *Moore*, 331 Md. at 186. The defendants' request to discharge counsel must be granted if the trial court determines that the defendant's reasons are meritorious. *State v. Brown*, 342 Md. 404, 425 (1996).

If, on the other hand, the trial court finds that the defendant's reasons are unmeritorious, the court may: "(1) deny the request and, if the defendant rejects the right to represent himself and instead elects to keep the attorney he has, continue the proceedings; (2) permit the discharge in accordance with the Rule, but require counsel to remain available on a standby basis; (3) grant the request in accordance with the Rule and relieve counsel of any further obligation." *Williams v. State*, 321 Md. 266, 273 (1990). In addition, the trial judge has the option "to deny the request and go forth to trial." *Pinkney*, 427 Md. at 94 (cleaned up). Regardless of the action chosen, Rule 4-215(e) expressly states that "[i]f the court permits the defendant to discharge counsel, it shall comply with

subsections (a)(1)-(4) of this Rule if the docket or file does not reflect prior compliance." *Pinkney*, 427 Md. at 86 (citing Md. Rule 4-215(e).

There is no dispute here that Johnson unequivocally sought to discharge his attorney and represent himself. The mandates of Rule 4-215 were triggered when his attorney informed the court that Johnson wished to strike her appearance and was "very passionate" about representing himself. Therefore, the trial court was required to inquire as to his reasons and give him the opportunity to explain his decision. Instead, the trial court, even before asking for Johnson's explanation, offered a "hybrid arrangement." Thereafter, the trial court did not inquire further to elicit additional information by which it could have more meaningfully considered whether Johnson's reasons for discharge were indeed meritorious. *See State v. Taylor*, 431 Md. 615, 642 (2013) (cleaned up) (noting that, when faced with a request to discharge counsel, "the trial judge has the duty to listen, recognize that he or she must exercise discretion in determining whether the defendant's explained reasons are meritorious, and make a rational decision."). Had the trial court found Johnson's reasons meritorious, it would have been required to grant his request to discharge counsel. The court neither discharged defense counsel nor required her to remain as Johnson's attorney.[5] However, had the court found Johnson's reasons unmeritorious, it

[5] We disagree with the State's assertion that Johnson agreed not to discharge his attorney when he said it was "perfectly fine" for her to remain with him at counsel table. Our reading of the discussion between the trial court and Johnson is that it was the "middle ground" offered by the court that Johnson agreed was "perfectly fine."

could have still discharged counsel but required her to remain on a standby basis[6] OR relieved her of any further obligation. It does not appear that the trial court did either of those things.[7] Therefore, because the trial court did not adequately determine if Johnson's reasons for discharging his attorney were meritorious or unmeritorious, before permitting his counsel to remain as a standby counsel without discharge from representation, we must conclude that the trial court failed to meet its responsibility to comply with the strict rubric of the Rule.

In addition, even if we were to assume for the sake of argument that the trial court did permit Johnson to discharge his attorney and have her remain as standby counsel, it nevertheless failed to comply with the requirements set forth in Rule 4-215(a) because it did not properly advise Johnson of the nature of the charges and the allowable penalties. At the bail review hearing, after the trial court explained the nature and penalties of Johnson's charges, the following conversation ensued:

> [PROSECUTOR]: Good afternoon, Your Honor, [Prosecutor] on behalf of the State. I did also want to inform the Court that several [of] the offenses would be subject to mandatory minimums and I can go through those if Your Honor would like me to.
>
> THE COURT: Go ahead, yeah.

[6] Our Supreme Court explained, in *Parren v. State*, that "'[a] criminal defendant does not have an absolute right to both self-representation *and* the assistance of counsel.'" 309 Md. at 265 (quoting *United States v. Halbert,* 640 F.2d 1000, 1009 (9th Cir.1981) (emphasis in original). The *Parren* Court later reiterated that the two types of representation "are independent of each other and may not be asserted simultaneously." *Id*. at 269.

[7] Johnson appears to acknowledge the ambiguity of the court's ruling in his brief, hedging that the court "*apparently* grant[ed] his request for discharge." (emphasis added).

> [PROSECUTOR: Thank you, Judge. With regard to firearm in relation to a drug-trafficking crime, he would be facing not less than five years and not more than 20 years. With regards to firearm being used during a felony or violent crime, the same thing, not less than five years and not more than 20 years.
>
> With regard to firearm possession with a felony conviction, not less than five years and not more than 15 years.
>
> With regard to the charges alleging handgun in vehicle and handgun on person, he would be looking at not less than 30 days and not more than those statutory three years.

The court accepted the mandatory minimums presented by the state and set bail in the amount of $100,000. As we explained in *Webb v. State*,:

> The plain language of Rule 4-215(a) contemplates advisements "by a judge" or "the court." The language of the rule means what it says. The recitation itself must come from the trial court. As recognized by the [Supreme Court of Maryland], the commands to the court are that it 'shall' do the acts set out; the Rule mandates the court's conduct. Requiring advisements by only "the court" or "a judge" is consistent with the rationale behind strict compliance. The specific procedure of Rule 4-215 must be followed by the trial court in order for there to be a knowing and intelligent waiver.
>
> Strict compliance with Rule 4-215 precludes a finding of waiver of counsel...based on advisements given by anyone other than a judge or the court. For example, full disclosure of advisements under (a)(1)-(5) by a District Court commissioner does not comply with the rule because a commissioner is not a "judge" or a "court." [Similarly,] advisements under the rule by an Assistant State's Attorney are insufficient because a prosecutor is neither a judge nor a court.

144 Md. App. 729, 742-43 (2002) (Footnote omitted; cleaned up); *see also Johnson*, 355 Md. at 426 ("[The Supreme Court of Maryland] has on several occasions resisted attempts to relax the strictures of Md. Rule 4-215. We believe that any erosion of the [R]ule's requirements would begin the dangerously slippery slope towards more exceptions.").

Here, the Prosecutor, rather than the court, informed Johnson of the mandatory minimum penalties for the charged crimes. Therefore, the lack of advisement by the trial court, in violation of Rule 4-215, provides an independent basis for the reversal of Johnson's convictions.

II. SUFFICIENCY OF THE EVIDENCE

We now turn to Johnson's claims that the evidence was insufficient. We address these claims because, should we agree that the evidence was insufficient to sustain any or all of the charges, Johnson could not be retried on those charges. *See Turner v. State*, 192 Md. App. 45, 79-80 (2010). Johnson asserts that the evidence was insufficient, first, to demonstrate that he intended to distribute the marijuana found during the search of the vehicle he was driving and, second, that he knowingly possessed the contraband recovered from the vehicle.[8]

When reviewing the sufficiency of the evidence to support a criminal conviction, we must determine, after viewing the evidence in the light most favorable to the State, if "'any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" *Burlas v. State*, 185 Md. App. 559, 568 (2009) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). "If the evidence 'either showed directly, or circumstantially, or supported a rational inference of facts which could fairly convince a trier of fact of the defendant's guilt of the offenses charged beyond a reasonable doubt[,]'

[8] Johnson does not dispute that he possessed the marijuana.

then we will affirm the conviction." *Bible v. State*, 411 Md. 138, 156 (2009) (quoting *State v. Stanley*, 351 Md. 733, 750 (1998)).

A. Distribution of Marijuana

Johnson argues that although the State's expert police witness testified that the bag of marijuana was intended to be broken down into smaller amounts for the purpose of a sale, the officer also testified that 23 grams of marijuana—which was less than the 1.5 ounces now considered a "personal use amount"[9]—could have been for Johnson's own use. Johnson also argues that the search of the vehicle revealed paraphernalia arguably useful in the sale and distribution of heroin, but no paraphernalia indicative of an intent to distribute the marijuana.

Under the law in effect at the time of Johnson's arrest and trial, a person may not "possess a controlled dangerous substance…in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance." CR § 5-602. Intent to distribute "is 'seldom proved directly, but is more often found by drawing inferences from facts proved which reasonably indicate under all the circumstances the existence of the required intent.'" *Salzman v. State*, 49 Md. App. 25, 55 (1981) (quoting *Waller v. State*, 13 Md. App. 615, 618 (1972)). There is no specific amount of marijuana that requires, or precludes, a finding of intent to distribute. *Collins v. State*, 89 Md. App. 273, 279 (1991). Therefore, we consider not only the quantity of marijuana recovered, but all the evidence of the entire circumstances. *See id* (citing *Anaweck v. State*,

[9] CR §5-101(u) went into effect on July 1, 2023, well after Johnson's 2018 trial.

63 Md. App. 239, 255 (1985) ("while the quantity of [CDS] in this case did not, in and of itself, demonstrate an intent to distribute, other circumstantial evidence may be introduced to prove intent.")

Johnson's argument fails to recognize that we must take the evidence in the light most favorable to the prosecution, looking at all the evidence, not just the evidence cited by Johnson. The uncontradicted expert testimony supported an inference that the 23 grams of marijuana found on the ground near Johnson's feet was of an amount sufficient for distribution. Moreover, a small amount of loose marijuana was also recovered from the trunk of the car, which could have led to a reasonable inference that more marijuana had been present in the vehicle and already distributed. Additionally, although only pieces of a scale were found in the vehicle, and the presence of the entire scale might have been stronger evidence of intent to distribute, that does not mean that the scale itself cannot support the trial court's determination that Johnson intended to distribute marijuana because a mere user of marijuana would have no use for such a scale.

When "two inferences reasonably could be drawn [from the evidence], one consistent with guilt and the other consistent with innocence, the choice of which of these inferences to draw is exclusively that of the [fact-finder] and not that of the court assessing the legal sufficiency of the evidence." *Ross v. State*, 232 Md. App. 72, 98 (2017). Consequently, we hold that the State presented sufficient evidence to support Johnson's conviction of possession with intent to distribute marijuana and the firearm offenses related to that charge.

B. Other Possessory Offenses

Johnson also argues that the evidence was generally insufficient to support a finding that he knowingly possessed the items recovered from the vehicle during the probable cause search. He denies knowledge of the firearm, ammunition, and drug paraphernalia—which were not in plain view or clearly visible—found in the vehicle he had recently borrowed from his friend.

To sustain a conviction for possession of contraband, the State must establish, beyond a reasonable doubt, that the defendant knowingly exercised actual or constructive dominion or control over the contraband. *Nicholson v. State*, 239 Md. App. 228, 252 (2018) (citing CR § 5-101(v)). Knowledge of the presence of contraband is required to exercise dominion and control. *State v. Suddith,* 379 Md. 425, 432 (2004) (citing *Moye v. State*, 369 Md. 2,14 (2002). Such knowledge may be proven by circumstantial evidence and by inferences drawn therefrom. *Id.* Possession does not, however, need to be "exclusive or actual" to sustain a conviction. *Nicholson*, 239 Md. App. at 252.

When considering whether the evidence is sufficient to establish constructive possession, we generally look at the following factors: (1) the defendant's proximity to the contraband, (2) whether the contraband was in plain view of or accessible to the defendant, (3) whether there was indicia of mutual use and enjoyment of the contraband, and (4) whether the defendant has an ownership or possessory interest in the location where the police discovered the contraband. *State v. Gutierrez*, 446 Md. 221, 234 (2016) (quoting *Smith v. State*, 415 Md. 174, 198 (2010)). No one factor is dispositive,

and "possession is determined by examining the facts and circumstances of each case." *Smith*, 415 Md. at 198.

Here, we conclude that a rational trier of fact could have found beyond a reasonable doubt that Johnson had actual or constructive possession of the contraband recovered during the probable cause search of the vehicle. With respect to proximity and plain view, the contraband was found on the front passenger seat next to Johnson who was the driver and only occupant of the car. The contraband was also found in the center console directly next to him, under the driver's seat in which he was sitting, and in the trunk and within a bag of clothing he admitted belonged to him. When Piasecki approached the car, he detected an odor of marijuana. The trial court could therefore have inferred that Johnson knew the marijuana was there and was enjoying its use. *See Smith,* 374 Md. at 550 ("status of a person in a vehicle who is the driver, whether that person actually owns, is merely driving..., permits an inference, by a fact-finder, of knowledge, by that person, of contraband found in that vehicle"); *In re Ondrel M.*, 173 Md. App. 223, 237 (2007) (officer's testimony that he smelled an odor of marijuana supported an inference of mutual use and enjoyment).

With respect to the trace of heroin on a straw, the packaging indicative of heroin distribution, the pieces of the scale, and the loaded weapon within Johnson's reach as he drove the car, the trial court could have inferred that Johnson was participating with others in the mutual use and enjoyment of those items in an attempt to distribute heroin and/or

marijuana.[10] As to an ownership/possessory right in the car, Johnson stated that he had borrowed the car from his good friend, and the registration indicated it did not belong to him. He admitted, however, that he had been in possession of the car for approximately one week—long enough for him to have transferred blood from a days-old hand injury to the interior of the car and for him to have learned how to replace the button operating the driver's window, which he knew occasionally popped off.

Viewing the evidence in the light most favorable to the State, possession of the contraband was sufficiently demonstrated to support Johnson's convictions.

JUDGMENTS OF THE CIRCUIT COURT FOR QUEEN ANNE'S COUNTY REVERSED; MATTER REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION; COSTS ASSESSED TO QUEEN ANNE'S COUNTY.

[10] *See Bost v. State*, 406 Md. 341, 360 (2008) (quoting *United States v. Sakyi,* 160 F.3d 164, 169 (4th Cir.1998)) ("Guns often accompany drugs, and many courts have found an 'indisputable nexus between drugs and guns.'").