

Circuit Court for Baltimore City  
Case No. 121138006

UNREPORTED\*  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1026

September Term, 2023

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DAYA JONES

v.

STATE OF MARYLAND

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

JJ.

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Opinion by Friedman, J.

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Filed: January 29, 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 MD. RULE 1-104(a)(2)(B).

A jury in the Circuit Court for Baltimore City convicted Daya Jones of first-degree murder and handgun offenses. The court sentenced Jones to life plus 38 years of incarceration with the first ten years to be served without the possibility of parole. In this direct appeal, Jones asks us to consider whether the evidence presented was sufficient to sustain his conviction for first degree murder. Specifically, Jones argues that the State failed to prove beyond a reasonable doubt that the killing was deliberate and premeditated as required for first degree murder. We hold that the evidence was sufficient and affirm.

### FACTS

The evidence adduced at trial was that Jones and the victim, Nikea Jackson, were involved in a romantic relationship. On the day of Jackson's killing, Jones and Jackson were out drinking with friends. In the car on the way home, the parties argued. At some point, Jackson was shot in the left flank. The State's theory was that Jones intentionally shot Jackson. Jones' statements to the police, which were introduced through the testimony of the lead detective, were confused. He told police that he was afraid that the gun might go off, and so he was putting the gun in a safe place, when Jackson "pulled [his] arm back." He stated that although his hand "wasn't on the trigger," the "gun went off." Jones stopped short of claiming that Jackson shot herself, saying that he couldn't "honestly say" whether she shot herself. After the shooting, the evidence showed that Jones behaved erratically. He followed Jackson onto a nearby porch where she went for help, then carried her body to a nearby grassy field where he abandoned her, failed to call for assistance, and, when assistance arrived, fled. Jackson later died.

Jones was tried for first degree murder. He was convicted and, as described above, sentenced in accordance with that conviction. This direct appeal followed.

### APPLICABLE LEGAL STANDARDS

As noted above, Jones challenges the sufficiency of the evidence that he shot Jackson deliberately and that the killing was premeditated.

“The standard for appellate review of evidentiary sufficiency is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Scriber v. State*, 236 Md. App. 332, 344 (2018) (emphasis in original) (citation omitted). “When making this determination, the appellate court is not required to determine ‘whether *it* believes that the evidence at the trial established guilt beyond a reasonable doubt.’” *Roes v. State*, 236 Md. App. 569, 583 (2018) (emphasis in original) (citation omitted). “This is because weighing the credibility of witnesses and resolving conflicts in the evidence are matters entrusted to the sound discretion of the trier of fact.” *Scriber*, 236 Md. App. at 344 (citation omitted).

“We defer to any possible reasonable inferences the jury could have drawn from the admitted evidence and need not decide whether the jury could have drawn other inferences from the evidence, refused to draw inferences, or whether we would have drawn different inferences from the evidence.” *Fuentes v. State*, 454 Md. 296, 308 (2017). In short, “the limited question before an appellate court is not whether the evidence *should have* or *probably would have* persuaded the majority of fact finders but only whether it *possibly*

*could have* persuaded *any* rational fact finder.” *Scriber*, 236 Md. App. at 344 (emphasis in original) (citation omitted).

The elements of “intent to kill” first-degree murder are: (1) that the killing was willful, *i.e.*, the defendant intended to kill the victim; (2) that the killing was deliberate, *i.e.*, the defendant had conscious knowledge of that intent; and (3) that the killing was premeditated, *i.e.*, the defendant had enough time to think about the decision to kill, even though that time may have been brief. *Garcia v. State*, 253 Md. App. 50, 59 (2021), *aff’d*, 480 Md. 467 (2022). “The premeditated intent to kill must be formed before the killing.” *Pinkney v. State*, 151 Md. App. 311, 332 (2003) (citation omitted).

About deliberation and premeditation, the Supreme Court of Maryland has explained that “[f]or murder ‘to be “deliberate” there must be a full and conscious knowledge of the purpose to kill; and to be “premeditated” the design to kill must have preceded the killing by an appreciable length of time, that is, time enough to deliberate.” *Mitchell v. State*, 363 Md. 130, 148 (2001) (citation omitted). Although deliberation and premeditation require some time to form, “[i]t is unnecessary that the deliberation or premeditation shall have existed for any particular length of time.” *Id.* (citation omitted). An “appreciable length of time” simply means “any amount of time sufficient to convince the trier of fact that the purpose to kill was not the immediate offspring of rashness and impetuous temper ... but was the product of a mind fully conscious of its own design.” *Id.* (cleaned up). “Put simply, ‘[i]f the killing results from a choice made as the result of thought, however short the struggle between the intention and the act, it is sufficient to

characterize the crime as deliberate and premeditated murder.” *Garcia*, 253 Md. App. at 59 (citation omitted).

### ANALYSIS

The evidence of a defendant’s state of mind is rarely proven directly and often must be inferred from other facts. We think the jury was able to infer that Jones acted with sufficient deliberation and premeditation to support a first-degree murder verdict based on three constellations of evidence:

- Jones and Jackson were engaged in a heated argument before the shot was fired. The jury heard Jones recount the argument to police during an interrogation, and the argument was verified by a doorbell camera video in which the jury could see the car drive by and hear loud voices followed by a single gunshot. The time between argument and shot was sufficient alone for the jury to infer both deliberation and premeditation.
- Jones was carrying and told police that he always carried a handgun despite being disqualified from possessing such a weapon. Although Jones told the police that his handgun went off accidentally when Jackson pulled his arm as he tried to move the gun to a safer location, the jury could well have disbelieved him. The jury could have inferred that Jones pulled the gun with an intent to use it and had enough time for deliberation and premeditation.
- Finally, Jones’s erratic behavior after the shooting also provided a basis for a jury to infer deliberation and premeditation. This erratic behavior after the shooting included carrying Jackson away from safety, abandoning her body in a grassy field, fleeing from those trying to provide her assistance, abandoning the car at his daughter’s home, and hiding himself in a motel. Jones testified that, after the shooting, he left his handgun in the car. It was, however, never recovered, and the jury might have inferred that he disposed of it in an effort to hide his involvement.

Against this, Jones argues that the shooting was accidental. He buttresses this with physical evidence that Jackson was shot only once, that the shooting occurred within seconds, and that the shooting was not “unusually brutal.”

The jury, however, was free to accept or reject, in whole or in part, Jones’s version of events and the inferences that he draws from that version. Applying the required standard of review, we hold that there was sufficient evidence from which a rational jury could have drawn inferences that Jones acted with the requisite deliberation and premeditation to sustain his conviction for first-degree murder.

**JUDGMENTS OF THE CIRCUIT  
COURT FOR BALTIMORE CITY  
AFFIRMED. COSTS ASSESSED TO  
APPELLANT.**