Circuit Court for Dorchester County
Case No. C-09-CR-21-000080

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1109

September Term, 2023

TROY DONNELL ROSE, JR.

v.

STATE OF MARYLAND

Graeff,
Nazarian,
Zic,

JJ.

Opinion by Nazarian, J.

Filed: March 21, 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 persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

After a five-day trial in the Circuit Court for Dorchester County, a jury found Troy Donnell Rose, Jr. guilty of second-degree murder, reckless endangerment, and carrying a handgun on his person in connection with the homicide of Da'Jour Sorrell. On appeal, Mr. Rose challenges the court's denial of his motion to remove the case from Dorchester County because of prejudicial pretrial publicity and contends that the evidence was insufficient to support his conviction. We affirm.

I. BACKGROUND

On April 5, 2021, at approximately 9:33 p.m., a group of five men stood on a sidewalk in Cambridge. They were armed and had been walking around the neighborhood looking to confront Anthony Harris. When Da'Jour Sorrell rode by on his bike, two of the men stepped away from the group and started following him. One of them shot at Mr. Sorrell seven times, knocking him off his bike and onto the ground. While he got back up, the second man ran towards him and fired a shot at close range. Mr. Sorrell shot back twice as he tried to get away. The second man fired another shot. Mr. Sorrell stumbled backwards, ran a few hundred feet, and then collapsed on the ground and died. The State brought charges against Mr. Rose alleging that he was the second shooter.

A. Suggestion Of Removal And Jury Selection

Before his trial, Mr. Rose moved to recuse the state prosecutor on his case, in part, because she had posted on social media about gun violence in the Cambridge community. At the time, the prosecutor was running to be the next Dorchester County State's Attorney and had a campaign page on Facebook. On that page, she posted about a shooting that

happened in Cambridge on July 4, 2022, describing it as part of an ongoing conflict between two groups in the community:

> On July 4th Cambridge, Maryland was no different. There was a back and forth battle going on in Cambridge that has spanned years. It has resulted in shots fired calls, shootings and homicides. Just before 9:00 p.m. on July 4, 2022, the community barbecue erupted in gunfire. More shots than we will ever know, multiple shooters, more property damage than anyone knows, non-fatal victims, and tragically the life of one person. I was at the beach with my family, I jumped in my car, leaving my family, and drove to the scene. Maryland State Police Homicide was called to conduct the investigation. CPD and I knew what this was about, it was about what it's always about. We know the players. This is the fourth homicide related to this back and forth. We have worked tirelessly putting this case together. I've personally prosecuted the members already, personally gotten guilties they didn't think would happen. We have several people in custody, including the man we believe to be responsible for the homicide. Prosecuting these cases will be no easy task. These cases are strong.

At the hearing on Mr. Rose's motion for recusal, defense counsel took issue with how the post said that the shooting had been committed by the same group of "players" and was the fourth homicide related to a back-and-forth conflict. Counsel argued that the post spurred public condemnation of anyone accused of committing a homicide in Dorchester County. Because Mr. Sorrell's murder could be seen as part of the greater gun violence problem in Cambridge, a small community, defense counsel asserted that the prosecutor's post had prejudiced Mr. Rose's right to a fair trial.

The circuit court denied the motion for recusal. The court stated that the conduct was handled better through the attorney grievance process. The court expressed concern with the prosecutor's statement that "everyone in the jury panel knows of the motivation

for other murders in Cambridge," but declined to make any findings on prejudice since Mr. Rose had not moved for a change of venue.

After the prosecutor resigned and a new prosecutor stepped in, Mr. Rose filed a Suggestion of Removal to transfer the case to another county. He argued that local news articles, the prosecutor's Facebook post, and his family's significant ties to the community compromised the ability to select a jury that he didn't know or that wasn't related to him. Defense counsel noted further that Mr. Rose was the last of the co-defendants to be tried for Mr. Sorrell's murder. The circuit court denied Mr. Rose's Suggestion of Removal. The court acknowledged that a prospective juror possibly could read the post and infer a connection to Mr. Rose but found that there was not enough information to conclude that there had been prejudice or that the jury selection process couldn't tease out potential prejudice.

During jury selection, the circuit court asked prospective jurors, "Do you know anything about this alleged incident or have you seen, heard, or discussed anything about it with any person or source including the internet and news media?" Out of roughly one hundred potential jurors, twenty-three answered yes. By the end of the selection process, the court had excused all of them. The court also asked whether anyone in the juror pool was related by blood or marriage to Mr. Rose, knew him from any business or social relationship, or knew any member of his family. Three jurors answered yes and were excused.

After the jury was picked and before trial began, defense counsel moved for a mistrial, arguing that pretrial publicity had made a fair trial unattainable in Dorchester County. Defense counsel raised the issue of another Facebook post, this time about the selection of the jury, that a prospective juror had posted while the process took place. The post complained about how courts call people with jobs for jury duty but it didn't say anything about Mr. Rose's case. The circuit court compared the name of the person who made the post to the seated jurors and did not find a match. The court found further that there was no evidence that the seated jurors had seen the post and that all prospective jurors that had mentioned hearing about the case through the news or social media had already been dismissed. The court denied the motion for a mistrial.

B. Evidence Adduced At Trial And Jury Verdict

At trial, the State sought to prove beyond a reasonable doubt that Mr. Rose had committed the crimes of first-degree murder, second-degree murder, first-degree assault, second-degree assault, reckless endangerment, using a firearm in the commission of a violent crime, carrying a handgun, conspiracy to murder Mr. Sorrell,[1] and conspiracy to murder Mr. Harris. The State's theory of the case was that Mr. Rose and four other men—Justin Boyce, Da'yon Lofland, Elijah Jordan, and Keiford Copper[2]—conspired to kill Mr.

[1] After the State rested its case, the circuit court granted Mr. Rose's motion for acquittal on the criminal count of conspiracy to murder Mr. Sorrell.

[2] At trial, the State's witness testified that there was no evidence to bring criminal charges against Mr. Copper for the shooting of Mr. Sorrell.

Harris on April 5, 2021 but couldn't find him. When Mr. Sorrell rode past the group that evening instead, the State contended, Mr. Rose and Mr. Lofland shot and killed him.

Mr. Boyce testified that on April 5, 2021, he texted Mr. Rose at 1:24 p.m. to come pick him up after he got into a fight with the mother of his child. Mr. Rose, Mr. Lofland, and Mr. Jordan picked him up in Mr. Lofland's car. The State showed the jury two videos of the four men together later in the day. The videos had been taken from Mr. Lofland's cell phone and recorded Mr. Boyce picking his daughter up from her mother and dropping her back off later. One of the videos showed Mr. Rose standing outside wearing a dark red sweatshirt and jeans with holes in them. Still shots from surveillance footage at the Wet Your Whistle liquor store where Mr. Rose and Mr. Lofland had been earlier showed Mr. Rose wearing those same clothes and Mr. Lofland wearing black pants. Mr. Boyce testified that the four of them drove in Mr. Lofland's car to a house in Federalsburg to pick up an AK-47 rifle from Mr. Rose's friend, Jordan Banks. Mr. Banks corroborated his testimony.

The State then entered records of Mr. Lofland's GPS ankle monitor into evidence. Those records revealed that on the day of the shooting, the group went to Mr. Banks's house, then to the Wet Your Whistle liquor store, then to the Amick Farms convenience store, and then to Mr. Jordan's house. Mr. Lofland's GPS monitor indicated that he was at 805 Fairmount Avenue in Cambridge at 9:13 p.m. and on Camelia Street, where the shooting happened, at 9:32 p.m., the time of the murder. The State's expert in video analysis and enhancement testified about video surveillance footage he had compiled from security cameras throughout the neighborhood and presented a timeline of the shooting and

the flight paths of the group. The footage showed the shooting itself. Other than Mr. Boyce, however, the police could not identify the other persons in the video positively.

On the witness stand, Mr. Boyce said that he didn't remember going to Cambridge at all on April 5, 2021. He testified that after he dropped his daughter off, he consumed a liter of Bacardi and at least five Xanax pills. The State's surveillance evidence showed him flee the scene of the shooting by himself, put a firearm into a trash can, stumble back through the crime scene, and attempt to enter a nearby house, all within a block of the shooting. The State's witnesses testified that Mr. Boyce was arrested and taken to a hospital and that police later retrieved the firearm he placed in the trash can and identified it as a .40 caliber High Point handgun with the magazine inside of it. The State introduced prior statements Mr. Boyce made to the police as evidence. In those statements, Mr. Boyce told the police that on the day of the murder Mr. Rose was carrying a silver .38 caliber revolver, Mr. Lofland carried a black 9mm handgun, and Mr. Jordan had a silver .22 caliber Ruger handgun. The State also introduced Mr. Banks's prior statement to the police that he had seen Mr. Rose with a .38 caliber snubnosed revolver on April 5 when Mr. Rose had come to his house that day to pick up the AK-47.

The State presented evidence from Mr. Rose and Mr. Lofland's phones that Mr. Rose had purchased bus tickets from Baltimore to Junction City, Kansas and had traveled there to buy two handguns around March 27, 2021. That evidence included Mr. Rose's return ticket to Baltimore set for March 31 at 8:30 p.m. The State presented text messages and Mr. Lofland's GPS ankle monitor records to show that Mr. Lofland picked Mr. Rose

up from the bus station in downtown Baltimore on March 31, 2021, around 9:09 p.m. The State also entered evidence of text messages between Mr. Rose and Mr. Lofland during this trip, including two photos of guns Mr. Rose sent him on March 29. In one picture, the jury saw a black handgun and a magazine with 9mm bullets. In the other, the jury saw a silver handgun. The State's expert in firearm ballistics and toolmark identification identified the guns in the photos as a pistol and a revolver, respectively. The expert explained for the jury how a semiautomatic firearm automatically extracts and ejects bullet casings when fired but a revolver does not, and how a revolver's bullet casings must be manually removed from the cylinder. The State showed Mr. Boyce the same pictures. He identified the firearms as a .38 revolver and a 9mm semiautomatic handgun and testified that Mr. Rose had shown him photos of those guns.

The State entered evidence of a sketch showing what police found at the crime scene. According to the sketch, police found seven 9mm Luger caliber bullet casings where the first shooter opened fire, in the part of Greenwood Avenue leading to the intersection with Camelia Street. In that intersection, where Mr. Sorrell and the second shooter shot at each other, police found a deformed copper bullet jacket,[3] two .40 Smith & Wesson caliber bullet casings, and two deformed .40 Smith & Wesson caliber bullet casings. The first police officer who responded to the scene testified that she found a gun on the ground next to Mr. Sorrell's body. The State entered a redacted firearms report into evidence that identified this gun as a .40 caliber Smith & Wesson Polymer80 semiautomatic pistol. The

[3] The State's firearms expert testified that a fired bullet jacket is a bullet fragment.

report confirmed that the .40 Smith & Wesson caliber bullet casings had been fired from Mr. Sorrell's gun. The report confirmed further that the seven 9mm Luger caliber bullet casings had been fired from the same unknown gun.

The State also presented testimony from a police detective who found a projectile lodged in a Smart car that was parked in a driveway on Gloria Richardson Circle, close to where Mr. Sorrell had fallen. The firearms report concluded that the projectile was a fired .38 caliber class jacketed hollow-point bullet but could not confirm or deny whether the projectile and the copper bullet fragment had been fired from the same gun. The State presented a supplemental firearms report examining additional items the police had obtained during their investigation—a pistol seized from Mr. Jordan's residence, a semiautomatic handgun seized from Mr. Copper during a traffic stop on April 20, 2021, a semiautomatic rifle seized from an abandoned house in Federalsburg,[4] and the pistol retrieved on April 6 from the trashcan near the crime scene. The State's firearms expert testified to her study of the supplemental items—a .22 caliber Ruger pistol, a 9mm Luger Polymer80 pistol, a .40 Smith & Wesson caliber High Point pistol, and an AK-style rifle. The expert concluded that the projectile and the copper bullet jacket found at the crime scene could not have been fired by any of the guns she examined.

Ms. Nixon testified that she was dating Mr. Rose in April 2021 and knew Mr. Lofland and Mr. Boyce. She testified that Mr. Rose called her to pick him up from

[4] Mr. Boyce testified that the abandoned house was a storage place for guns, Mr. Banks testified to knowing about the house, and the State produced two photos of Mr. Rose and Mr. Lofland at the house holding a rifle.

Cambridge the evening of April 5, 2021, and that she picked up him and two other men she didn't know sometime after 8:00 or 9:00 p.m. She recalled that Mr. Rose was wearing jeans with holes in them. According to Ms. Nixon, the group dropped off one of the men, then met up with Mr. Lofland at the Days Inn in Easton. She also told the jury that Mr. Rose and Mr. Lofland changed their clothes, the three men left the hotel in her car, and she didn't see Mr. Rose again until the next morning.

Mr. Banks testified that Mr. Rose came back to his house the night of April 5, 2021, gave him some clothes in a bag, and asked him to throw the clothes away. He recalled seeing a red or burgundy sweatshirt through the bag. Mr. Banks told the jury that Mr. Rose told him there had been a shooting. The morning of his testimony, Mr. Banks had suffered a concussion and said he couldn't remember what he had told the police about his interactions with Mr. Rose that day. The State entered his prior statements to the police about what Mr. Rose had told him. In his interview with the police, Mr. Banks said that Mr. Rose told him that he and Mr. Lofland had seen Mr. Sorrell and shot and knocked him off his bike, and that Mr. Rose said that Mr. Lofland started firing first and then he fired after him. Mr. Banks told the police his understanding that they shot Mr. Sorrell because he had jumped Mr. Lofland in the past. On the stand, Mr. Banks said that he had never been interrogated by police before and that he told them this information without knowing if it was true. The records from Mr. Lofland's GPS monitor showed that he traveled from the Days Inn in Easton to Mr. Bank's house in Federalsburg on April 6, 2021, around 12:49 a.m.

After the close of evidence, the jury deliberated for approximately fourteen hours before reaching a verdict. They convicted Mr. Rose of second-degree murder of Mr. Sorrell, reckless endangerment, and unlawfully carrying a handgun. They acquitted him of first-degree murder, first-degree assault, second-degree assault, using a firearm in the commission of a violent crime, and conspiracy to murder Mr. Harris.

II. DISCUSSION

Mr. Rose's appeal presents two issues: (1) whether the circuit court abused its discretion when it denied his Suggestion of Removal to move the case to a different county and (2) whether the evidence presented at trial was sufficient to convict him.[5] We hold that the circuit court's denial of Mr. Rose's Suggestion of Removal was not an abuse of discretion and the evidence adduced at trial was sufficient to convict him.

The decision to remove a case to another county rests within the sound discretion of the trial court. *Smith v. State*, 51 Md. App. 408, 415 (1982) (*citing* Md. Rule 744 (current version at Md. Rule 4-254)). A trial court abuses that discretion only when it adopts a view that no reasonable person would take. *Devincentz v. State*, 460 Md. 518, 539–40 (2018)

[5] Mr. Rose phrased his Questions Presented as follows:

1. Did the trial court abuse its discretion by failing to remove the case to another jurisdiction after prejudicial pretrial publicity, including misconduct by a former prosecutor?
2. Was the evidence insufficient to convict Mr. Rose of the charges against him?

The State phrased its Questions Presented as follows:

1. Did the circuit court properly exercise its discretion in denying Rose's motion to transfer?
2. Did the evidence suffice to convict Rose?

(*quoting Williams v. State*, 457 Md. 551, 563 (2018)). We evaluate the sufficiency of evidence by considering '"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."' *Breakfield v. State*, 195 Md. App. 377, 392 (2010) (*quoting Jackson v. Virginia*, 443 U.S. 307, 319 (1979)).

A. Denial Of Removal Was Not An Abuse Of Discretion Because Mr. Rose Did Not Demonstrate That Adverse Pretrial Publicity Had Prejudiced His Right To A Fair Trial.

Mr. Rose argues that his case should have been removed because Dorchester County has a small population, Cambridge is a small community, knowledge of murders in that community is widespread, Mr. Lofland had already been tried and convicted for Mr. Sorrell's murder, and the original prosecutor had inflamed public outrage and prejudiced potential jurors by posting on social media about an ongoing problem of gun violence in Cambridge. The State counters that the jury selection process protected the impartiality of the trial successfully, as shown by the dismissal of any jurors that heard about the murder through social media or that knew the victim or any witness.[6]

Maryland rules permit a party to file a suggestion of removal to transfer their case to another county if they demonstrate that they cannot have a fair and impartial trial in the

[6] The State argues as well that Mr. Rose waived his right to challenge the denial of his suggestion of removal because he selected and accepted the jury. We disagree. Mr. Rose objected on grounds of prejudicial pretrial publicity on three separate occasions, including moving for a mistrial on this basis before trial and after the jury had been impaneled. He made his position known to the court sufficiently, *Caviness v. State*, 244 Md. 575, 578 (1966), and preserved this issue for appellate review.

court where the action is pending. Md. Rule 4-254(b)(1). Trial courts must transfer the case "only if the court is satisfied that the suggestion is true or that there is reasonable ground for it." *Id*. When the ground for removal is prejudicial pretrial publicity, the party suggesting removal must prove that they have been prejudiced by the adverse pretrial publicity and that *voir dire* of prospective jurors wouldn't protect sufficiently against the risk of an unfair or biased trial. *Stouffer v. State*, 118 Md. App. 590, 631 (1997) (*citing Waine v. State*, 37 Md. App. 222, 227 (1977)), *rev'd in part on other grounds*, 352 Md. 97 (1998); *see also Simms v. State*, 49 Md. App. 515, 519 (1981) (usually *voir dire* is an effective mechanism for protecting trials).

The Facebook post at issue responded to a shooting in Cambridge on July 4, 2022. In the post, the prosecutor stated that she knew what the most recent shooting was about because "it's always about" the same conflict between certain groups in the community. She elaborated on this view at the hearing on Mr. Rose's motion for recusal:

> [T]here's not a single person in Cambridge that is not aware of a back and forth between two different groups, not a single person in Cambridge who isn't aware of it. So this is not new information. . . . [T]hey were up in Federalsburg, seeking out to kill somebody completely different than they did and they came to town and killed somebody based on something that happened years ago that has nothing to do with the Pine Street/Brewood Avenue beef. That has long been established in Dorchester, there have been murders relative to it, it's not a secret, nothing the State has said is a secret. . . . [T]he jury pool's fully aware of it. Yes, they are, there's not a single person in Cambridge who's not aware of it, not a single person. . . . [W]hat they know about is that there's an ongoing back and forth between two different groups in Cambridge. That is — that is — I would find it hard to believe that there is

> anybody who isn't aware of that because it is — it is — it's well known.

Despite the prosecutor's efforts to untangle Mr. Sorrell's shooting from her Facebook post, the post created adverse pretrial publicity in Mr. Rose's case. True, it didn't mention the murder of Mr. Sorrell explicitly and didn't mention Mr. Rose. But the post drew a portrait of "back and forth" gun violence between two groups in Cambridge and talked about guilty verdicts the prosecutor had obtained in prior shootings which included, at the time of the post, Mr. Lofland's conviction.[7] The Facebook post described gun violence in Cambridge with enough broad strokes to encompass the shooting of Mr. Sorrell and any "players" alleged to be involved in shootings in Cambridge, like Mr. Rose.

The fact that there is adverse pretrial publicity, however, is not enough by itself to justify removal. Even when there is direct media coverage of a particular crime, that "alone, is not sufficient to demonstrate a reason to believe the defendant . . . will not receive a fair and impartial trial." *Hoffman v. Stamper*, 155 Md. App. 247, 287 (2004), *rev'd in part on other grounds*, 385 Md. 1 (2005). The defendant still must prove that there is a reason to believe that publicity about them will prejudice their rights. *See id*. (reasoning that defendant's suggestion of removal made no showing that *voir dire* couldn't address the general prejudices he thought might affect potential jurors). Other than a concern that jurors might harbor a general prejudice against gun violence, which the *voir dire* process is

[7] Natalie Jones, *Jury Finds Lofland Guilty In Murder Of Da'Jour Sorrell*, The Star Democrat (Apr. 5, 2022), https://www.stardem.com/news/crime/jury-finds-lofland-guilty-in-murder-of-dajour-sorrell/article_dfd63859-44db-5284-b69b-a13181dd212d.html (*archived at* https://perma.cc/K9C4-94N8).

designed to resolve, Mr. Rose didn't offer any other reasons for his belief that publicity about his case would deprive him of a fair trial. In his Suggestion of Removal, he asserted that news articles in the local paper, the Facebook post, and his family's ties to the community compromised the ability to select a jury that was unrelated to him or did not know him. But he didn't explain why *voir dire* was ill-equipped to detect and remove any prospective jurors with connections to him.

The circuit court found that Mr. Rose hadn't met his burden of proving that the Facebook post had prejudiced him and that *voir dire* could no longer protect his right to a fair trial. Instead, the court opted to see if the jury selection process could tease out prejudice among the prospective juror pool effectively and offered to revisit the matter afterwards. We cannot say that no reasonable person would have shared the court's view in taking this approach. *See Waine*, 37 Md. App. at 228 (when publicity is sporadic, not obviously prejudicial, and has preceded the trial by several months, a trial court doesn't abuse its discretion by relying on *voir dire* to ascertain prejudice) (*citing Kable v. State*, 17 Md. App. 16, 30 (1973)).

Before trial began the next day, Mr. Rose moved for a mistrial, arguing again that pretrial publicity had made a fair trial unattainable in Dorchester County. He raised the issue of another Facebook post, this time about the selection of the jury, that had been posted by a prospective juror while the process took place. The post complained about how courts call people with jobs for jury duty but it didn't say anything else about Mr. Rose's case. Mr. Rose argued that this social media post was another example of how strong

publicity in his case would prevent him from getting a fair trial in Dorchester County. After comparing the name of the person to the seated jurors and not finding a match, the court denied Mr. Rose's motion for mistrial because there was no evidence that the jurors had seen the post.

To succeed on this claim, Mr. Rose would have had to prove that the Facebook posts were prejudicial, that at least one impaneled juror had read them, and (later on) that reading those posts had influenced that juror's decision at the trial. *See Presley v. State*, 224 Md. 550, 555 (1961). Mr. Rose didn't meet that burden with either social media post. The *voir dire* process addressed the potential prejudice of the prosecutor's Facebook post effectively. During jury selection, the court asked all prospective jurors: "Do you know anything about this alleged incident or have you seen, heard, or discussed anything about it with any person or source including the internet and news media?" Out of roughly a hundred potential jurors, twenty-three answered yes, but none said they had seen the prosecutor's actual post. The court excused every prospective juror who had heard about the case on social media. The second Facebook post was not prejudicial to Mr. Rose at all because it complained about the jury selection process. The circuit court did not abuse its discretion when it denied Mr. Rose's Suggestion of Removal.

B. The Evidence Adduced At Trial Was Sufficient For A Rational Trier Of Fact To Find Mr. Rose Guilty Of Second-Degree Murder, Reckless Endangerment, And Handgun On A Person.

Mr. Rose contends *next* that there was insufficient evidence to convict him of any crime because video surveillance of the shooting does not identify him positively, there

was no physical evidence tying him to the scene of the crime, and there was no evidence he had a gun on the night of the shooting. The State responds that Mr. Rose failed to credit the logical inferences jurors can make from circumstantial evidence and that the jury found correctly that the evidence implicated him in Mr. Sorrell's murder.

In evaluating evidentiary sufficiency, we look at whether the evidence adduced "showed directly or supported a rational inference of the facts to be proved, from which the jury could be properly convinced, beyond a reasonable doubt, of the accused's guilt . . . ." *Thomas v. State*, 32 Md. App. 465, 476 (1976). We defer to the jury's "'opportunity to assess the credibility of witnesses, weigh the evidence, and resolve conflicts in the evidence. . . .'" *Neal v. State*, 191 Md. App. 297, 314 (*quoting Sparkman v. State*, 184 Md. App. 716, 740 (2009)). We do not "'measure the weight of the evidence [or] judge the credibility of witnesses.'" *State v. Manion*, 442 Md. 419, 431 (2015) (*quoting Dawson v. State*, 329 Md. 275, 281 (1993)). We don't ask ourselves whether we believe the evidence established guilt beyond a reasonable doubt. *Id*. We defer to reasonable inferences the jury drew from the admitted evidence, *Derr v. State*, 434 Md. 88, 129 (2013) (*citing Titus v. State*, 423 Md. 548, 557–58 (2011)), and focus on whether, based on the direct or circumstantial evidence presented, any rational juror could have found that the accused's actions satisfied the elements of the crime beyond a reasonable doubt. *See Williams v. State*, 329 Md. 1, 15 (1992) (*citing Jackson*, 443 U.S. at 319).

In this case, the jury convicted Mr. Rose of second-degree murder, reckless endangerment, and carrying a handgun. Second-degree murder encompasses four kinds of

murder, including "(1) killing another with the intent to kill . . . [and] without premeditation; [and] (2) killing another person with the intent to inflict serious bodily harm that death would be the likely result . . . ." *Garcia v. State*, 480 Md. 467, 476–77 (2022) (citations omitted); Md. Code (2002, 2021 Repl. Vol.), § 2-204 of the Criminal Law Article ("CL"). Reckless endangerment is when a person engages in conduct that "creates a substantial risk of death or serious physical injury to another." CL § 3-204. And the handgun charge stems from the offense of wearing, carrying, or transporting a handgun, whether concealed or openly on or about one's person. CL § 4-203(i).

The State produced cell phone videos, security camera still shots, Mr. Lofland's GPS monitor, and testimony from Mr. Boyce, Ms. Nixon, and Mr. Banks in its effort to prove that Mr. Rose was with Mr. Lofland on April 5, 2021, immediately before and after the murder. From that evidence, a reasonable jury could conclude that Mr. Rose was in Cambridge with Mr. Lofland at the time of the murder. The State produced cell phone extractions of text messages, photos, and bus tickets from which a jury could infer rationally that Mr. Rose purchased a black handgun with 9mm bullets and a silver revolver in Kansas. From Mr. Lofland's GPS monitor, a jury could also infer reasonably that he picked up Mr. Rose when he returned from Kansas with the guns.

Mr. Boyce and Mr. Banks told the police that Mr. Rose was carrying a silver, .38 snubnosed revolver hours before the murder. Mr. Boyce also testified that he was carrying a .40 caliber High Point handgun, Mr. Lofland had a black 9mm handgun, and Mr. Jordan had a silver .22 caliber Ruger handgun on that day. From surveillance footage of Mr. Boyce

putting something inside of a trash can near the crime scene, the police retrieved a .40 Smith & Wesson caliber High Point pistol on April 6, 2021, the day after the murder. In April 2021, witnesses for the State testified to seizing a semiautomatic handgun from a search of Mr. Copper's car, a 7.62 AK-style semiautomatic rifle from the abandoned house in Federalsburg, and a .22 caliber Ruger pistol from a search of Mr. Jordan's residence. After conducting an initial examination of the firearms and bullet casings retrieved from the crime scene in April 2021, the State's firearms expert testified to receiving additional firearms for examination in May 2021—a .22 caliber Ruger pistol, a 9mm Luger Polymer80 pistol, a .40 Smith & Wesson caliber High Point pistol, and an AK-style rifle. From this body of evidence, a rational juror could infer that the State's expert examined the guns obtained from the police investigation, that the police had seized a 9mm Luger Polymer-80 pistol from Mr. Copper's car, and that the firearms seized and examined were the guns Mr. Boyce, Mr. Lofland, and Mr. Jordan were carrying on the day of the murder.

The State also presented evidence that at the crime scene police found seven 9mm Luger caliber bullet casings, a bullet fragment, and a fired projectile lodged in a smart car parked next to Mr. Sorrell's body. Looking at the video of the shooting, a jury could find that the locations of the casings, the bullet fragment, and the bullet found in the car were consistent with how many times each shooter fired at Mr. Sorrell and the directions they fired in. The State's firearms expert testified that the projectile was a .38 caliber class bullet and that the bullet and the bullet fragment could not have been fired from the guns she examined. The expert explained that even though a 9mm firearm can fire a .38 caliber

bullet, the 9mm gun she examined produced six right twist markings on any bullets fired, but the .38 caliber bullet and bullet fragment she studied had been fired from a gun that produced five right twist markings when fired. The expert also testified that a revolver does not eject bullet casings when fired and would not have left casings at the scene unless manually removed. From this evidence, a juror could find reasonably that the .38 caliber bullet and bullet fragment had been fired by the .38 caliber revolver Mr. Rose was seen carrying that day and not by Mr. Boyce's, Mr. Lofland's or Mr. Jordan's guns.

To be sure, a juror could not clearly see the faces of the men in the video of the shooting. They could, however, see distinguishing characteristics in their clothing. For example, only one of the men in the group was wearing solid black pants and still shots of security footage showed Mr. Lofland wearing black pants earlier in the day. In the video, the second shooter chased Mr. Sorrell into the intersection and appeared to be wearing pants with patches that presented on video as a lighter shade of gray. Having seen still shots of security footage showing Mr. Rose wearing jeans with holes earlier that day and after hearing Ms. Nixon's testimony that Mr. Rose was wearing jeans with holes when she picked him up from Cambridge on the night of the murder, a juror could find that the second shooter's jeans were torn and that the person was Mr. Rose. *See Derr*, 434 Md. at 129 (on review, appellate courts "defer to any possible reasonable inferences the trier of fact could have drawn from the admitted evidence . . . .") (citation omitted). In his statement to the police, Mr. Banks said that Mr. Rose told him that Mr. Lofland had fired at Mr. Sorrell, knocking him off his bike, and then Mr. Rose fired next. Even if the jury questioned Mr.

Banks's credibility on the stand, his prior statement to the police about the sequence of events was consistent with the video and spoke on details that weren't public knowledge at the time.

Mr. Banks also testified that Mr. Rose gave him clothes in a bag and told him to destroy them. His testimony aligned with Ms. Nixon's testimony that Mr. Rose had changed his clothes before leaving the Days Inn. Mr. Banks's testimony further matches Mr. Lofland's GPS monitor records showing that he traveled to Mr. Banks's home—a person he only knew through Mr. Rose—on the night of the murder. In his testimony, Mr. Banks recalled seeing a red sweatshirt in the bag Mr. Rose gave him, which corresponded with the cell phone videos and security footage still shots showing Mr. Rose wearing a red sweatshirt that day.

Taking all this evidence together and viewing it in the light most favorable to the State, we conclude that a rational juror readily could infer, and could conclude beyond a reasonable doubt, that Mr. Rose committed the crimes of second-degree murder, reckless endangerment, and handgun on a person in connection with the homicide of Mr. Sorrell.

JUDGMENT OF THE CIRCUIT COURT FOR DORCHESTER COUNTY AFFIRMED. APPELLANT TO PAY COSTS.