

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1439

September Term, 2022

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SHELDON VANNOY BARNES

v.

STATE OF MARYLAND

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Graeff,  
Beachley,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: July 27, 2023

\*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

\*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.

Following a bench trial in the Circuit Court for Allegany County, Sheldon Vannoy Barnes, appellant, was convicted of possession of a weapon in a place of confinement, possession of contraband in a place of confinement, and possession of a dangerous weapon concealed on his person. His sole contention on appeal is that there was insufficient evidence to sustain his convictions.<sup>1</sup> For the reasons that follow, we shall affirm

At trial, Brian Mowery, a correctional officer at Western Correctional Institution, testified that when inmates leave the prison recreational area to get locked back in their cells, they are required to go through a metal detector with their property to make sure they don't have any contraband. Appellant, an inmate, was carrying his chair, a bag, and two food bowls through the metal detector when it went off. Officer Mowery searched appellant, and the items he was carrying, and eventually found an “ice pick style weapon” made of metal and a pen between the food bowls, which had been stacked together. Appellant never indicated that the food bowls did not belong to him prior to the contraband being found. Moreover, Officer Mowery testified that inmates were not supposed to take property from other inmates. Appellant testified at trial and denied that the bowls and weapon had belonged to him.

On appeal, appellant contends that the evidence was insufficient to sustain his convictions because the State failed to prove that he “knew of the presence of [the] weapon hidden between [the] bowls.” Specifically, he notes that (1) the contraband was hidden

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<sup>1</sup> In his brief, appellant also contends that the circuit court erred in accepting his waiver of his right to a jury trial. However, he withdrew that claim by line filed in this Court on May 30, 2023. Therefore, we do not address that issue on appeal.

and not in plain view; (2) there was no evidence indicating whether, or how long, he had been in possession of the bowls prior to walking through the metal detector; (3) there was no forensic evidence linking him to the weapon; and (4) he testified that the bowls and weapon did not belong to him.

In reviewing the sufficiency of the evidence, we ask “whether, after reviewing 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.” *Ross v. State*, 232 Md. App. 72, 81 (2017) (quotation marks and citation omitted). Furthermore, we “view[ ] not just the facts, but ‘all rational inferences that arise from the evidence,’ in the light most favorable to the” State. *Smith v. State*, 232 Md. App. 583, 594 (2017) (citation omitted). In this analysis, “[w]e give ‘due regard to the [fact-finder’s] findings of facts, its resolution of conflicting evidence, and, significantly, its opportunity to observe and assess the credibility of witnesses.’” *Potts v. State*, 231 Md. App. 398, 415 (2016) (citation omitted).

Although the weapon found by Officer Mowery was not in plain view, it was located between two bowls that were in appellant’s actual possession. Moreover, there was no contrary direct evidence that anyone other than appellant had access to the bowls prior to the contraband being found. This in turn permitted an inference of knowledge by appellant of the contraband that was found secreted between those bowls. *See Samba v. State*, 206 Md. App. 508, 537 (2012) (concluding the evidence was sufficient to sustain transporting conviction where the gun was found underneath the driver’s seat of the defendant’s vehicle, and within his reach, even though the gun was not in plain view); *see also United States v. Lochan*, 674 F. 2d 960, 966 (1<sup>st</sup> Cir. 1982) (“Knowledge may be inferred from possession,

that is, dominion and control over the area where the contraband is found.”).

Noting the lack of forensic evidence, appellant nevertheless suggests that someone might have placed the contraband between the bowls without his knowledge. However, the fact that there are other inferences that could have been made by the trial court is irrelevant in determining the sufficiency of the evidence as the “trial court fact-finder . . . possesses the ability to choose among differing inferences that might possibly be made from a factual situation and this Court must give deference to all reasonable inferences the fact-finder draws, regardless of whether we would have chosen a different reasonable inference.” *State v. Suddith*, 379 Md. 425, 430 (2004) (internal quotation marks and citation omitted). Moreover, although appellant denied having a possessory interest in the bowls and weapon at trial, “it is the [trier of fact’s] task . . . to measure the weight of the evidence and to judge the credibility of witnesses.” *State v. Manion*, 442 Md. 419, 431 (2015) (quotation marks and citation omitted). And ultimately, the trial court found appellant’s testimony not to be credible, a finding we cannot say is clearly erroneous. Consequently, we hold that there was sufficient evidence to sustain appellant’s convictions.

**JUDGMENTS OF THE CIRCUIT  
COURT FOR ALLEGANY COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**