

Circuit Court for Baltimore City
Case No. 120062031

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1569

September Term, 2022

CARROLL CARTER

v.

STATE OF MARYLAND

Arthur,
Albright,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Albright, J.

Filed: February 5, 2024

*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).

A jury sitting in the Circuit Court for Baltimore City convicted appellant, Carroll Carter, of attempted second-degree murder, reckless endangerment, use of a handgun or firearm in the commission of a felony or crime of violence, and illegal possession of a regulated firearm. The circuit court sentenced Mr. Carter to a total of 50 years in prison, the first five without the possibility of parole. Mr. Carter filed a timely notice of appeal.

Mr. Carter asks us to consider the following questions:

1. Was the evidence insufficient to support Mr. Carter’s conviction for illegal possession of a regulated firearm?
2. Did the trial court commit plain error when it instructed the jury on illegal possession of a regulated firearm?
3. Did the trial court err and/or abuse its discretion when it permitted an officer to testify that Mr. Carter was arrested in Harford County after a gun was found in the car in which he was one of two passengers?

For the reasons that follow, we will affirm the judgments of the circuit court.

FACTS AND LEGAL PROCEEDINGS

On January 9, 2019, Mr. Carter called Ms. G., his ex-girlfriend, asking if they could meet to talk.¹ After Ms. G. agreed to meet with Mr. Carter, he pulled into the parking lot of the apartment she shared with her mother and sister and entered the building, where Ms. G. was waiting on the landing.

Mr. Carter asked Ms. G. why she kept “starting stuff” and pushed her. Ms. G. pushed him back, after which Mr. Carter pulled out a silver revolver and pointed it at her forehead.

¹ To protect the victim’s identity, we refer to her as “Ms. G.” We intend no disrespect in doing so.

Believing that Mr. Carter was trying to scare her, Ms. G. knocked his hand away from her face. Mr. Carter pushed Ms. G. again. Mr. Carter then unloaded the gun, dropping a bullet to the floor. Mr. Carter then threatened Ms. G's mother and sister.

Mr. Carter reloaded the gun, and as he backed toward the apartment building's exterior door, he shot Ms. G. one time in the neck.² He then ran from the building to his car.

Ms. G.'s nine-year-old sister opened their apartment door to find Ms. G. bleeding in the hallway. Ms. G. told her sister that Mr. Carter had shot her.

Baltimore City Police Sergeant Steven Evans responded to Ms. G.'s apartment in response to several 911 calls placed from the building. When Sergeant Evans arrived, he observed that Ms. G., who was screaming and crying, had been shot in her upper body. Sergeant Evans was unsure if Ms. G. would survive, so he asked who had shot her to obtain what might be a dying declaration about the perpetrator.³ Ms. G. said that her ex-boyfriend, Carroll Carter, who had just left the building in a black Nissan Altima, had shot her.⁴

² The bullet exited through her shoulder.

³ The trial court admitted into evidence Sergeant Evans's body-worn camera footage of his interaction with Ms. G.

⁴ Sergeant Evans could not remember the license plate number of the Altima, but the CAD report of the incident revealed that it was 8BDX089. The investigating detective, Keith Tondeur, testified that the car was believed to be registered to Mr. Carter's mother. The police located the car on January 10, 2019, but it was determined not to be of evidentiary value.

Ms. G. was taken to the hospital, where she underwent two surgeries. Following an approximate month-long hospital stay, she was left with vocal cord paralysis and nerve damage to her arm and hand from the shooting.

One projectile, a .380 casing, and a black leather coat were recovered from the scene of the shooting. Based on the information provided by Ms. G., and her identification of Mr. Carter from a single photo as the shooter, the investigating detective, Keith Tondeur, developed Mr. Carter as a suspect.

On January 12, 2019, Mr. Carter, driving a black Nissan sedan bearing a Virginia license plate number, VTS4507, was pulled over for a traffic stop in Harford County. There was one other passenger in the car. Pursuant to a search of the vehicle, Harford County Sheriff's Deputy Daniel Testerman recovered a loaded "silver, black B[e]rsa .380" firearm from a purse. Deputy Testerman secured the firearm and handed it to another officer, Deputy Smith, for submission as evidence. Mr. Carter was arrested as a result of the recovery of the firearm. Deputy Smith did not testify at the trial.

Detective Tondeur received information about a handgun "possibly involved in this incident." As a result, the detective proceeded to Harford County on January 15, 2019, "took possession of a handgun," and turned the semi-automatic firearm over to the Baltimore Police Department Crime Lab, where it was processed.

Daniel Lamont, a Crime Lab firearm examiner who was accepted as an expert by the court, received as evidence "one pistol with a magazine and four live cartridges," along with "a fired cartridge case and a fired bullet." Mr. Lamont determined that the gun was

operable and that the fired bullet recovered from the scene of the shooting had been fired from that weapon.

Mr. Lamont explained to the jury that a semi-automatic handgun is “a smaller gun that’s held in one hand.” When asked by the prosecutor if the handgun recovered met the definition of a regulated firearm, Mr. Lamont responded, “I believe so, yes.”

At the close of the State’s case-in-chief, Mr. Carter moved for judgment of acquittal, arguing, as pertinent to this appeal, that the State had presented no evidence that he was ever in possession of the handgun that was recovered in Harford County, that no handgun or report had been admitted into evidence, and that in the absence of a chain of custody, there was no evidence linking the handgun that was recovered in Harford County to the gun that was processed in Baltimore City. The court denied the motion.

Mr. Carter elected not to testify or put on other evidence. The parties stipulated that Mr. Carter was disqualified from possessing a regulated firearm. At the close of all the evidence, Mr. Carter renewed his motion for judgment of acquittal, which the court again denied. He was convicted, as noted above.

DISCUSSION

I. Sufficiency of the Evidence

Mr. Carter contends that the State failed to prove that the weapon he possessed was a regulated firearm because it did not adduce evidence, via a chain of custody or other testimony, that the gun Mr. Lamont examined in Baltimore City was the gun recovered from Mr. Carter’s traffic stop in Harford County. In the absence of that evidence, the argument continues, Ms. G.’s testimony could have provided proof that the gun Mr. Carter

used to shoot her met the definition of a regulated firearm, but she stated only that Mr. Carter shot her with a “revolver,” which is a regulated firearm only if it meets the definition of a “handgun,” that is, a firearm with a barrel less than 16 inches long.

Because no witness testified that the weapon recovered in Harford County was the gun examined by the Crime Lab, or that the weapon used in the shooting was a firearm with a barrel less than 16 inches long, Mr. Carter concludes that the State failed to prove that the revolver met the definition of a handgun and, thus, a regulated firearm. As such, he concludes, the evidence presented during trial was insufficient to sustain his conviction of the charged crime of illegal possession of a regulated firearm in violation of Md. Code, § 5-133(c) of the Public Safety Article (“PS”).⁵ We disagree.

⁵ Pursuant to PS § 5-133(c)(1):

A person may not possess a regulated firearm if the person was previously convicted of:

- (i) a crime of violence;
- (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613, § 5-614, § 5-621, or § 5-622 of the Criminal Law Article; or
- (iii) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed in this State.

PS § 5-101(r) defines “regulated firearm” as “a handgun” or other “specific assault weapons or their copies,” and PS § 5-101(n), in turn, defines “handgun” as “a firearm with a barrel less than 16 inches in length[,]” including a signal, starter, or blank pistol. In turn, a “firearm” is “a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive[,]” or “the frame or receiver . . . or unfinished frame or receiver” or such a weapon. PS §5-101(h)(1).

In considering 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 citations omitted). The test “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.” *Painter v. State*, 157 Md. App. 1, 11 (2004) (quotation marks and citations omitted; emphasis in original).

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) (quoting *Abbott v. State*, 190 Md. App. 595, 616 (2010)). 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) (quoting *Harrison v. State*, 382 Md. 477, 487-88 (2004)) (alteration in original).

We do not “‘distinguish between circumstantial and direct evidence because [a] conviction may be sustained on the basis of a single strand of direct evidence or successive links of circumstantial evidence.’” *Montgomery v. State*, 206 Md. App. 357, 385 (2012) (quoting *Morris v. State*, 192 Md. App. 1, 31 (2010)) (alteration in original). On appellate review of evidentiary sufficiency, we will not “retry the case” or “re-weigh the credibility of witnesses or attempt to resolve any conflicts in the evidence.” *Smith v. State*, 415 Md. 174, 185 (2010).

When a challenge arises as to whether a weapon meets the statutory definition of a handgun, and therefore a regulated firearm, “tangible evidence in the form of the weapon is not necessary to sustain a conviction; the weapon’s identity as a handgun can be established by testimony or by inference.” *Brown v. State*, 182 Md. App. 138, 166 (2008). This Court has “considered and upheld numerous convictions where no tangible evidence was presented at trial establishing the use of a handgun, and it is well settled that circumstantial evidence alone will often suffice.” *Curtin v. State*, 165 Md. App. 60, 72 (2005), *aff’d*, 393 Md. 593 (2006). Here, the circumstantial evidence and the inferences deducible therefrom are sufficient to prove that the weapon Mr. Carter possessed and used to shoot Ms. G. was a handgun.

Ms. G. testified that Mr. Carter used a “silver revolver” to shoot her; she also said that she pushed Mr. Carter’s hand, which was holding the gun, away from her face as he pointed it at her forehead. Ms. G., to the police, did not note anything unusual about the revolver that she observed within close proximity of her face and that was small enough to fit in Mr. Carter’s hand, although it would be reasonable to infer that she would have mentioned if the gun used to intimidate and then shoot her had an unusually long barrel. Moreover, Mr. Carter, in his brief, acknowledges that “most revolvers have barrels that are less than sixteen inches long,” thus meeting the definition of a regulated firearm, so a reasonable inference regarding the revolver in this matter is that it, too, had a barrel shorter than 16 inches. Reviewed in a light most favorable to the State, the circumstantial evidence adduced through Ms. G.’s testimony alone is sufficient to support a finding that Mr. Carter possessed a regulated firearm.

In addition, as Mr. Carter concedes, if the State sufficiently proved that the gun Mr. Lamont examined was the same gun recovered during the traffic stop of Mr. Carter in Harford County, then the State also proved that that firearm was “the gun Mr. Carter used to shoot Ms. G. and thus. . . that the gun Mr. Carter used to shoot Ms. G. was a regulated firearm.” In our view, the State did sufficiently offer that proof.

During the traffic stop in Harford County, Deputy Testerman recovered a “silver, black B[e]rsa .380” and secured it for submission as evidence.⁶ When Detective Tondeur was informed that the Harford County Sheriff’s Office had a weapon possibly involved in his case, he traveled to Harford County and retrieved the gun, which he described as a semiautomatic “handgun.” Detective Tondeur then returned to Baltimore City and turned the gun over to the Crime Lab for processing. Mr. Lamont explained that he received a “pistol,” and he stated that it qualified as a “regulated firearm.” Moreover, the fired projectile recovered from the scene of the shooting was confirmed to have been fired from the weapon Mr. Lamont examined.

As Ms. G. unequivocally identified Mr. Carter as the person who shot her and said that the bullet entered her neck and exited through her shoulder, a reasonable juror could have inferred that the fired bullet recovered from the scene of the shooting and processed by the Crime Lab was shot from Mr. Carter’s gun; therefore, the jury was entitled to infer

⁶ We are not unmindful of the fact that Deputy Testerman’s description of the firearm (a black Bersa .380) differed from the description given by Ms. G (a silver revolver). But whether the firearm was a black Bersa .380 or a revolver, both (assuming barrels of less than 16 inches in length) are “handguns” within PS §5-101(n). As such, both are “regulated firearms.” PS §5-101(r). The jury was free to credit either description of the handgun.

that the gun processed in Baltimore City, which was found to have fired the projectile, was the same gun recovered during the traffic stop of Mr. Carter in Harford County, despite the lack of a specific chain of custody of the gun between Harford County and Baltimore City. *See Johnson v. State*, 240 Md. App. 200, 211 (2019), *aff'd*, 467 Md. 362 (2020) (explaining that a chain of custody is required “[f]or physical evidence to be admissible” and even when required, chain of custody “need not be established beyond a reasonable doubt”).

From all these facts, taken together and in a light most favorable to the State, the jury could have drawn a reasonable inference that Mr. Carter was in possession of a regulated firearm. That, coupled with the parties’ stipulation that Mr. Carter was disqualified from possessing a regulated firearm, rendered the evidence adduced at trial sufficient to sustain his conviction of illegal possession of a regulated firearm.

II. Jury Instruction

Mr. Carter also argues that the trial court erred when it failed to include a definition of the term “regulated firearm” in its instruction to the jury on the required elements of the charged crime of illegal possession of a regulated firearm. Acknowledging that he did not object to the jury instructions as given, Mr. Carter requests that we review the instructions for plain error. We decline to do so.

The record does not reveal any pre-trial written requests for jury instructions, either by the State or the defense. After both sides had rested, the prosecutor, defense counsel, and the trial court discussed jury instructions on the record. Both attorneys confirmed that they had reviewed the court’s proposed jury instructions, and except for one defense

objection to an instruction not pertinent to this issue, neither party objected to the court’s proposed instructions, nor asked to add an instruction not proposed by the court.

The court’s written instructions did not include a specific definition of “regulated firearm,” and no instruction containing the specific definition was read to the jury. As pertinent to this matter, the trial court instructed the jury:

Finally, mercifully, the defendant is also charged with the crime of possessing a regulated firearm after having been convicted of a crime that disqualified him from possessing a regulated firearm.

To convict the defendant, the State must prove (1) that the defendant knowingly possessed a regulated firearm and (2) that the defendant was previously convicted of a crime that disqualified him from possessing a regulated firearm.

The State and the defendant have agreed and stipulated that the defendant was previously convicted of a crime that disqualifies him from possessing a regulated firearm.

‘Possession’ means having control over the firearm, whether actual or indirect. More than one person can be in possession of the same firearm at the same time. A person not in actual possession, who knowingly has both the power and the intention to exercise control over a firearm has indirect possession of that firearm.

In determining whether the defendant has indirect possession of a firearm, you should consider all the surrounding circumstances. These circumstances include the distance between the defendant and the firearm, and whether the defendant has some ownership or possessory interest in the location where the firearm was found.

The court had previously defined “firearm” and “use of a firearm,” as follows:

A ‘firearm’ is a weapon that fires—is designed to fire or may be readily converted to fire a projectile by the action of an explosive, or the frame or receiver of such a weapon.

A ‘firearm’ includes an antique firearm, handgun, rifle, short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

‘Use of a firearm’ includes brandishing, displaying, striking with, firing, or attempting to fire a firearm in the furtherance of the attempted first-degree murder, attempted second-degree murder, or first-degree assault.

A person uses a firearm when he uses it to create fear or harm. The defendant need not injure anyone with a firearm. Mere possession of a firearm at or near the crime is not sufficient.

After completing its jury instructions, the trial court asked counsel if there was “any need to approach regarding the Court’s instructions,” and defense counsel answered, “No, Your Honor,” while the prosecutor responded, “Nothing, Your Honor.”

In general, a party must object to the failure to give a particular instruction promptly after the instructions are delivered, stating the grounds for the objection. Md. Rule 4-325(f).⁷ We have pointed out that the purpose of the Rule is to provide the trial “court an

⁷ Maryland Rule 4-325(f) provides:

No party may assign as error the giving or the failure to give an instruction unless the party objects on the record promptly after the court instructs the jury, stating distinctly the matter to which the party objects and the grounds of the objection. Upon request of any party, the court shall receive objections out of the hearing of the jury. An appellate court, on its own initiative or on the suggestion of a party, may however take cognizance of any plain error in the instructions, material to the rights of the defendant, despite a failure to object.

Md. Rule 4-352(f).

opportunity to correct the instruction before the jury starts to deliberate.” *Allen v. State*, 157 Md. App. 177, 183 (2004). The failure to object before the trial court generally precludes appellate review, because “[o]rdinarily appellate courts will not address claims of error which have not been raised and decided in the trial court.” *State v. Hutchinson*, 287 Md. 198, 202 (1980); *see also* Md. Rule 8-131(a).

Although Maryland Rules 4-325(f) and 8-131(a) provide us with discretion to review unpreserved errors relating to jury instructions, the Supreme Court of Maryland has emphasized that appellate courts should “rarely exercise” that discretion because “considerations of both fairness and judicial efficiency ordinarily require that all challenges that a party desires to make to a trial court’s ruling, action, or conduct be presented in the first instance to the trial court[.]” *Ray v. State*, 435 Md. 1, 23 (2013) (quoting *Chaney v. State*, 397 Md. 460, 468 (2007)). Plain error review is therefore reserved for errors that are “compelling, extraordinary, exceptional or fundamental to assure the defendant a fair trial.” *Savoy v. State*, 420 Md. 232, 243 (2011) (quoting *Hutchinson*, 287 Md. at 198). Moreover, “[t]he plain error hurdle, high in all events, nowhere looms larger than in the context of alleged instructional errors.” *Malaska v. State*, 216 Md. App. 492, 525 (2014) (quoting *Peterson v. State*, 196 Md. App. 563, 589 (2010)), *cert. denied*, 439 Md. 696 (2014), *cert. denied*, 574 U.S. 1122 (2015).

Under the circumstances presented, we decline to overlook the lack of preservation and exercise our discretion to engage in plain error review of this issue. Despite the fact that the five words, “[w]e decline to do so[.]” are “all that need be said, for the exercise of our unfettered discretion in not taking notice of plain error requires neither justification nor

explanation,” *Morris v. State*, 153 Md. App. 480, 506-07 (2003), we nonetheless add that the trial court’s instructions, as given, sufficiently informed the jury of all the required elements of the charged crime of illegal possession of a regulated firearm, despite the lack of a specific definition of “regulated firearm.” The omission of an unrequested definition within a required element of a charged crime is not the same thing as the omission of a required element, particularly when, as here, the inferences available to the jury were sufficient to satisfy the required element even in the absence of a specific definition of “regulated firearm.”

As discussed in Section I, above, Mr. Lamont, accepted by the court as an expert witness in firearm examination, testified that the semi-automatic Bersa processed by the Baltimore City Crime Lab met the definition of a regulated firearm. Therefore, if the jury credited Detective Tondeur’s and Mr. Lamont’s testimony, and believed that the gun Detective Tondeur retrieved was the same gun recovered from Mr. Carter’s traffic stop in Harford County and then processed by Mr. Lamont, a specific definition of “regulated firearm” was unnecessary because the jurors already knew the Bersa met the definition. In addition, the jury did not appear to be confused by the required elements of the charged crimes, as it did not send a note to the court during deliberations asking for a definition of the term “regulated firearm.”⁸

We are thus unable to conclude that the absence of a jury instruction defining the term “regulated firearm” affected the outcome of the trial to Mr. Carter’s undue prejudice.

⁸ The jury submitted only one note to the court during the trial, asking to borrow a sweater because the courtroom was very cold.

We, therefore, would find no plain error, had we undertaken the extraordinary step of plain error review.

III. Testimony About Mr. Carter’s Arrest

Finally, Mr. Carter asserts that the trial court erred or abused its discretion in permitting Deputy Testerman to testify, over objection, that Mr. Carter was arrested following the recovery of a firearm during the traffic stop in Harford County. Deputy Testerman’s testimony about his arrest, Mr. Carter argues, was “tantamount to testimony that the police believed that Mr. Carter, not the unidentified person in the car, possessed the gun,” thereby usurping the jury’s duty to determine that he was in possession of the gun.⁹ As a result, Mr. Carter concludes that Deputy Testerman’s testimony was irrelevant to the charges before the jury and that, even if relevant, the probative value of the testimony was outweighed by its prejudice to him. Again, we disagree.

Deputy Testerman explained to the jury that a loaded firearm was located in a purse inside the vehicle operated by Mr. Carter at the time of the traffic stop. The deputy also confirmed that Mr. Carter was arrested as a result of the recovery of the firearm.

As we have explained, above, there was sufficient evidence that the firearm recovered during the traffic stop was the firearm processed in Baltimore City. In turn, there was sufficient evidence that the firearm processed in Baltimore City fired the projectile found at the scene of the shooting. Therefore, so long as the State proved that Mr. Carter

⁹ Again, Mr. Carter concedes that had the State proved that he possessed the gun recovered in Harford County, and that the gun recovered in Harford County was the gun that Mr. Lamont processed in Baltimore City, he would have been linked to the shooting of Ms. G.

was in possession of the firearm recovered during the traffic stop, evidence of his arrest as a result of that possession was relevant to the jury’s consideration of the charged crimes and was admissible. *See* Md. Rule 5-402 (explaining that “all relevant evidence is admissible”); Md. Rule 5-401 (relevant evidence is “any evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable that it would be without the evidence”).

Mr. Carter’s suggestion that the deputy’s testimony made it appear that he was in possession of the firearm, rather than permitting the jury to infer that the other passenger in the vehicle at the time of the traffic stop was the possessor, is unavailing. We explain.

Under Md. Code, § 5-101(v) of the Criminal Law Article, possession is the “exercise [of] actual or constructive dominion over a thing by one or more persons.” Possession may be constructive or actual, exclusive or joint. *Moye v. State*, 369 Md. 2, 14 (2002); *see also Burns v. State*, 149 Md. App. 526, 546 (2003) (concluding that whether defendant was in possession of a handgun found under a seat in a vehicle depends upon whether jury could find he was in actual, constructive, joint, or exclusive possession). “To prove control, the evidence must show directly or support a rational inference that the accused did in fact exercise some dominion or control over the prohibited [item] in the sense contemplated by the statute, *i.e.*, that the accused exercised some restraining or directing influence over it.” *McDonald v. State*, 347 Md. 452, 474 (1997) (cleaned up).

Here, Mr. Carter was the driver of the vehicle. The Supreme Court of Maryland has stated that “owners/drivers of vehicles are perceived to have heightened control over the contents of their vehicles.” *State v. Smith*, 374 Md. 527, 551 (2003) (citations omitted); *see*

also *State v. Wallace*, 372 Md. 137, 150 (2002) (distinguishing probable cause to arrest “the owner or driver of the vehicle” from that required to arrest “a front seat passenger”) (citing *Pringle v. State*, 370 Md. 525 (2002)). Further, “[a] rational fact-finder may infer that, generally, an owner/driver of a vehicle has knowledge of the contents of that vehicle.” *Smith*, 374 Md. at 559. Therefore, the evidence supported a finding that Mr. Carter—who, as the driver, had at least imputed knowledge and control over contraband in the car—was in possession of the firearm, even if it was inside a purse. Even if Mr. Carter had no ownership interest in the purse, a reasonable inference from his proximity to it was that he had a possessory interest in the purse, which he knew contained the firearm, or that he placed the gun into the purse when he was pulled over by the police. Either way, if the jury believed that Mr. Carter put the gun in the purse in an attempt to conceal it, that act would have given rise to a reasonable inference of guilt. *McDonald v. State*, 141 Md. App. 371, 380 (2001).

Viewed as a whole, regardless of whether it was Mr. Carter or his passenger who was in actual possession of the gun, there is no question he was at least in joint constructive possession of it while in the vehicle. Therefore, Deputy Testerman’s testimony that Mr. Carter was arrested as a result of the recovery of the gun during the traffic stop was indeed relevant to the jury, and its probative value outweighed any undue prejudice to him.

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