

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1559

September Term, 2015

DAVON WILKINS

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Retired, Specially Assigned),

JJ.

PER CURIAM

Filed: June 22, 2016

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Appellant, Davon Wilkins, noted this appeal from the denial, by the Circuit Court for Baltimore City, of his motion to correct an illegal sentence. Wilkins asserts that his conviction and sentence for the use of a handgun in the commission of a crime of violence or felony is illegal because the jury acquitted him of first and second-degree murder and his conviction for involuntary manslaughter, by statutory definition, is not a “crime of violence.” Wilkins’s contention has no merit. Section 4-204(b) of the Criminal Law Article of the Maryland Code provides: “A person may not use a firearm in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article, **or any felony** whether the firearm is operable or inoperable at the time of the crime.” (Emphasis added.) The jury in this case was properly instructed that first and second-degree murder are “crimes of violence” and “involuntary manslaughter” is a “felony” and that in order to convict Wilkins of violating the handgun offense at issue, the jury had to find that the State proved that he committed the “felonies of involuntary manslaughter **or** the crimes of violence of murder in the first degree or murder in the second degree” and that he used a handgun in the commission of “the felonies **or** crimes of violence.” (Emphasis added.) A conviction for involuntary manslaughter is a felony which supports a conviction for the handgun offense under Crim. Law, § 4-204(b) . *Browne v. State*, 321 Md. 583 (1991).

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**