Circuit Court for Harford County
Case No. C-12-CR-23-001031

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0048

September Term, 2024

GARY DAVENPORT

v.

STATE OF MARYLAND

Arthur,
Shaw,
Raker, Irma S.
(Senior Judge, Specially Assigned),

Opinion by Raker, J.

Filed: August 25, 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 Rule 1-104(a)(2)(B).

In the Circuit Court for Harford County, a jury convicted appellant, Gary Davenport, of first-degree assault, second-degree assault, unlawful possession of a firearm after having been convicted of a disqualifying crime, unlawful use of a firearm in the commission of a felony or crime of violence, wearing, carrying, and transporting a handgun on a person, and transporting a handgun in a vehicle.

Appellant presents the following questions for review:

> "1. Did the trial court err in allowing a witness to offer lay opinion testimony that invaded the province of the jury?
>
> 2. Was the evidence insufficient to sustain the convictions?"

Finding no error, we shall affirm the judgments of the circuit court.

I.

The Grand Jury for Harford County indicted appellant as follows: first degree murder (count 1); conspiracy to commit first-degree murder (count 2); attempted second-degree murder (count 3); first-degree assault (count 4); second-degree assault (count 5); possession of a firearm during commission of a crime of violence or felony (count 6); illegal possession of ammunition (count 7); use of a firearm during commission of a crime of violence or felony (count 8); carrying a handgun on his person (count 9); carrying a loaded handgun on his person (count 10); carrying a handgun in a vehicle (count 11); carrying a loaded handgun in a vehicle (count 12); and reckless endangerment from a car (count 13). A jury convicted appellant of counts 4, 5, 6, 8, 9, and 11. The jury found

appellant not guilty on counts 7, 10, and 11, and the court granted judgments of acquittal on counts 1, 2, and 3.

For sentencing purposes, the circuit court merged count 5 with count 4 and counts 9 and 11 with count 8. The court imposed a term of incarceration of twenty-five years, the first ten to be served without parole on count 4; a consecutive term of incarceration of fifteen years, the first five to be served without parole on count 6; and a term of incarceration of twenty years, to be served consecutive to the first five years to be served without parole on count 8.

Appellant's charges stemmed from an incident at a shopping center in Harford County. Security camera footage admitted at trial through a joint stipulation showed that on August 11, 2023, a red Kia entered a shopping center in front of the Horizon Cinema in Aberdeen. The driver and passenger exited the vehicle and appeared to pursue a group of children into the movie theater. The video footage showed the children leaving the theater followed by the driver and passenger, and the pursuit continuing around the shopping center. Later, two juveniles are seen ducking under a green utility box located behind a Panera Bread shop and one juvenile is seen running off shortly after.

Defense counsel stated in his opening statement to the jury as follows:

> "We are glad this matter is on video. We are thankful this matter is on video, because you will see who the player here is, who the main player is. Ladies and gentlemen, there is a co-defendant in this case. You won't hear from her, but you will see what she does. Her name is Desiree Robinson[1]. She's driving a red Kia. Wait till you see the video. We're thankful there is a video. Because

[1] During opening statements, defense counsel mistakenly referred to the driver of the vehicle as Desiree Robinson. Her name is Desiree Robertson and will be referred to as such in this opinion.

> that video is going to show who is the driving force here, literally the driving force. It is not [appellant]. It is Desiree Robinson. We will tell you right now, right now, [appellant] was there. That isn't the issue. That isn't the issue. [Appellant] was there. We can save the State a lot of time. Yeah, it was his hat, it was his satchel. And his boots. You'll see him. You'll see him clear as day on the video. Now, [appellant] is caught up in the excitement, yes. He's caught up in the excitement of the events, but that's it. There's no conspiracy. There's no agreement between he and Ms. Robinson. It is Ms. Robinson driving the train and driving the red Kia."

D.D.[2], a victim of the attempted murder and assault charges, testified for the State, as a hostile witness, at first that he did not know about the day or events in question. The prosecutor showed D.D. the security video footage and D.D. identified himself in the footage as the child with the backpack at first hiding behind a tree and then ducking under a green electrical box.

The video footage showed the vehicle continuing through the shopping center, pursuing some of the juveniles. Jessica Crawford, a Panera Bread employee, testified that she heard a gunshot from the parking lot outside the restaurant, saw a child duck, and then run through the parking lot, but she could not say from which direction the gunshot originated.

Detective Mark Soto, looking at the video footage while he testified, identified the driver of the car as Desiree Ann Robertson and the male passenger as appellant. Ms. Robertson is appellant's ex-girlfriend with no clear start or end date to the relationship. The pair exited the vehicle and ran through the movie theater, pursuing a number of juveniles. Ms. Robertson returned to the vehicle and began driving erratically through the parking lot

[2] Pursuant to Maryland Rule 8-125, this opinion refers to the minor victim as "D.D."

as she pursued some of the juveniles. Det. Soto testified that a photo showed appellant walking out of the movie theater and appearing to be holding a black satchel, wearing a white baseball hat and black boots, and carrying a firearm. The State objected to this description as follows:

> "[PROSECUTOR]: Detective, I have placed in front of you what has been marked as State's Exhibit 4. Do you recognize this?
>
> DET. SOTO: Yes.
>
> [PROSECUTOR]: What is this?
>
> DET. SOTO: It's a picture of [appellant] coming out of the movie theater with the black satchel, the white baseball hat, the boots, and holding a firearm in his right arm. Right hand.
>
> [DEFENSE COUNSEL]: Objection, Your Honor.
>
> THE COURT: I'm sorry. One second.
>
> [DEFENSE COUNSEL]: Objection to the officer's comment that it was a firearm that [appellant] was—
>
> THE COURT: Come on up, please.
>
> [DEFENSE COUNSEL]: Thank you.
>
> THE COURT: Can I have the photo, please?"

Counsel and appellant approached the bench, and the following occurred:

> "THE COURT: Okay. And your objection is?
>
> [DEFENSE COUNSEL]: Your Honor, he may think it's a firearm, but we don't know what it is. Nothing was recovered. He can think it's a firearm, but he said it is a firearm.
>
> [PROSECUTOR]: The witness can testify based on his rational perception of what it is. He said it is a firearm. Certainly that goes to the crux of the

> case. Counsel is free to argue that it's not a firearm. Detective believes it's a firearm. That's what he testified to.
>
> THE COURT: Well, it is ultimately up to the jury to decide, but it does appear to be a firearm. So, maybe couch the question in a way of what did it appear to him to be as opposed to what it is, because ultimately, it is up to the jury to decide whether or not that is a firearm. Thank you. Just rephrase it."

Questioning of Det. Soto continued as follows:

> "[PROSECUTOR]: Detective, based on your observations of [appellant], what do you believe to be in his right hand?
>
> DET. SOTO: A firearm."

Another objection arose during Detective Soto's description of appellant's actions at the shopping center. His testimony continued as follows:

> "[PROSECUTOR]: Now, you watched the video. Can you describe what [appellant] was doing on scene after your review of the video?
>
> DET. SOTO: So, he went inside, he went inside the movie theater and it looked like he was chasing the juveniles that were inside the movie theater.
>
> [DEFENSE COUNSEL]: Objection, Your Honor.
>
> THE COURT: Okay. Come on up, please.
>
> [DEFENSE COUNSEL]: It's speculation whether or not he was chasing. He's running in there. Whether or not that's chasing the individuals the detective so communicated is pure speculation.
>
> [PROSECUTOR]: This is based on his rational perception. He testified that he watched the video. He can say what he believed that he was -- I can rephrase and ask what he believed [appellant] to be doing, but I think the video is pretty –
>
> THE COURT: Okay. I think that as part of his investigation, you can establish that part of his investigation, what he did, show him the video, what he saw. He can certainly testify about what his investigation (unintelligible), but it's ultimately up to the jury, and I will provide a jury instruction that whatever

> is depicted on the video and the photographs is ultimately up to them to decide.
>
> [DEFENSE COUNSEL]: Yes, Your Honor.
>
> THE COURT: Okay?
>
> [DEFENSE COUNSEL]: Yes, Your Honor."

The court provided the following instruction to the jury:

> "THE COURT: Members of the jury, in this case, you will have video and photographs that will be part of the evidence, and you may have witnesses who may testify about what is seen or perceived to be in the video or photographs. Ultimately, you as the trier of fact have to make the determination as to what you see in the videos, what you believe those videos depict, and what the photographs depict."

After another sustained objection to the improper phrasing of a question to Det. Soto about his observations of appellant's actions that day, the court stated to the prosecutor at a bench conference as follows:

> "You can certainly ask him what the video depicts, who is in the video, what is transpiring, but perceptions and beliefs are not for this witness to testify to. So, you need to be very specific as to what he sees in the video, and you can't, can't be arguing—it just has to be what he sees. If he sees an individual following, he sees individuals following. If he sees an individual who is doing something else. But perception is not a proper question."

Officer Kinlaw of the Aberdeen Police Department testified that he found a spent 40-caliber shell casing in the bank parking lot during his investigation. Detective Mark Soto testified that he executed a search warrant at Desiree Robertson's residence, 622 West Bel Air Avenue, in September of 2023. From the master bedroom, he recovered a baseball hat, a black satchel, and a pair of boots matching appellant's outfit on the day of the incident as well as 9-millimeter and .40-caliber ammunition.

The defense moved for judgment of acquittal on all charges. Defense counsel addressed the assaultive charges together, arguing there was little evidence to implicate appellant beyond his presence at the shopping center, stating they "certainly concede that." Defense counsel argued there was "zero testimony as to where the shot came from" and no confirmation as to how many people were in the vehicle. He addressed the conspiracy charge arguing that there was "no testimony whatsoever that there was any agreement between [appellant] and Ms. Robinson." He stated that there was insufficient evidence for the ammunition charges because there was no way of knowing when appellant was last at the 622 West Bel Air address. The State argued that many of the charges were based upon accomplice liability and that appellant was "clearly using a firearm with intent to frighten" the children.

The court noted the following facts about the video footage:

> "First and foremost, the video shows the red vehicle traveling at a fast – what appears to this Court to be a fast rate of speed as captured. It arrives at the front of the Horizon and we see the first person getting out of the car is Ms. Robertson, followed by who has been identified as [appellant].
>
> As he is going in, we see that he's got a blue sweatshirt in his hand. The next angle that we see is inside. It appears to be some youths, something is going on with them. There's an interaction, not a positive interaction. Negative interaction that's going on with these young individuals. And then all of a sudden you see those young individuals running out towards the back side of the theater and then the next shots in frame you see Ms. Robertson coming in followed by [appellant] and before he gets off of the frame, you see that the sweatshirt that he has in his hand is dropped. Doesn't appear that it was just suddenly dropped or that it fell out of a hand. It feels like it was intentionally dropped. At least that's the perception the Court had from watching this video. And I think that any juror seeing it could have that perception as well.
>
> The next shot you see is through the back and you actually see these young individuals walking rather quickly, running, looking back. You then see Ms. Robertson chasing out, running out, followed by [appellant] also

> running. The next frame, you see the young individuals also running out in the street and you can see at different frames that it shows [appellant] walks out and you see him pulling out of the black satchel what appears to be a gun, and is holding the gun down. Ms. Robertson gets in the car. She drives away in the car and [appellant] keeps walking.
>
> In another frame, it appears that he places his hand with the gun back in the black satchel while he's walking, and Ms. Robinson is the only one at this point who is driving the red car. Different angles are shown and you see her running -- taking her vehicle around and following the youths. It appears that the youths are running from her. I could not find on that frame initially her chasing down [D.D.] who is the one who is noted as the victim in the case, and that's [D.D.], what I've been told.
>
> At that point, [appellant] is not in the vehicle. He's walking. Then about what I believe is at 3.28 minutes, as you're watching the video, you see the red vehicle stop and it appears that [appellant] in his white shirt that you see him throughout the video, gets in the car, and you see that at different videos. And then at one point, when you see the car drive by, you see that there are two individuals in the vehicle including the person with the white shirt that [appellant] had on.
>
> In those shots, I don't see [D.D.]. At one point, the next shot, is the side of the Panera and you see [D.D.] walking along with another youth. And then you suddenly see the red car. And then the next frame is when it is at the side of the Panera where you see the individual who is outside, reportedly I believe that's Ms. Crawford who must be outside. You see the red vehicle come into the frame. You see the individual who is [D.D.] and another individual. [D.D.] ducks down underneath the utility box. And then runs."

The court granted the motion for acquittal as to attempted first-degree murder, attempted second-degree murder, and conspiracy to commit first-degree murder because there was no way for a juror to find the specific intent required. The court found, however, that there was sufficient evidence for the remaining assault related charges, stating that D.D. was "placed in fear by conduct of what was going on with the red vehicle; as well as ducking down at the time when the shots were fired." The court found sufficient evidence for the firearm and ammunition related charges.

The defense presented no witnesses or additional evidence. The jury found appellant guilty of first-degree assault, second-degree assault, unlawful possession of a firearm after being convicted of a disqualifying crime, unlawful use of a firearm in the commission of a felony or crime of violence, wearing, carrying, and transporting a handgun on a person, and transporting a handgun in a vehicle. The jury found appellant not guilty of the ammunition related charges. The court sentenced appellant to a total of sixty-years' incarceration and, after a three-judge panel denied appellant's request to reconsider his sentence, this timely appeal followed.

II.

Appellant argues that the trial court erred in allowing Detective Soto to offer lay opinion testimony that appellant was the man in the video surveillance footage, that appellant carried a firearm, and that the video showed appellant "chasing" a group of juveniles. Appellant maintains that the trial court erred in admitting the detectives' conclusions and in invading the province of the jury. Appellant argues that because Detective Soto's testimony focused on his investigation of the events, including his observations from the video surveillance footage and he did not personally observe the events as they unfolded, that his comments went beyond the scope of permitted testimony. Appellant asserts that the court's errors are not harmless and the court's decisions to allow it are subject to plain error review.

Appellant next argues that the evidence was insufficient to support the assault and handgun convictions. He asserts that the video surveillance footage does not indicate that

appellant committed either first or second-degree assault because there is no evidence that appellant fired the gun reported by the Panera employee and that D.D. did not testify that he was in fear of appellant any time during the incident. Appellant argues that the use of a firearm in a crime of violence conviction should be reversed because the evidence is insufficient to show that appellant fired the shots. Finally, appellant asserts there was insufficient evidence for his conviction of possessing a firearm because Det. Soto should not have been permitted to testify that appellant was the individual holding a firearm in the surveillance videos. Appellant argues that the jury's finding that the object possessed by the individual in the video was a firearm was based solely on speculation, conjecture, or probability.

The State makes four arguments regarding Det. Soto's testimony: (1) appellant's arguments regarding Det. Soto's identification of appellant in the video footage are not preserved; (2) appellant waived review of Det. Soto's testimony regarding the firearm; (3) appellant waived any relief related to Det. Soto's testimony describing appellant's actions in the video footage; and (4) appellant is not entitled to plain error review. As to preservation of this issue for our review, the State argues that appellant did not object to Det. Soto's identification of appellant, despite having many opportunities to do so and, moreover, his counsel stated in his opening statement to the jury that appellant is the person in the video footage.

The State argues that appellant waived his right of review of Det. Soto's testimony that appellant was holding a firearm because after the court sustained appellant's objection to this statement, the court *sua sponte* took corrective action when it directed the State to

rephrase the question. Appellant failed to move for further relief during the trial, and the State argues he may not do so now. The State offers a similar argument regarding Det. Soto's testimony as to his observations of appellant's actions in the video. After the trial court sustained appellant's objections, the court immediately instructed the jury of its duty to interpret the videos and photographs. The State argues that the court's curative instruction corrected any error and because appellant did not request additional relief from the court, he waived appellate review.

The State argues there is no cause for plain error review. Appellant's failure to object was reasonably a result of trial strategy and not error by the court. The State asserts that plain error review is reserved for compelling errors and only when it will not result in unfair prejudice to the parties or the court. *Robinson v. State*, 410 Md. 91, 204 (2009). The State asserts appellant's failure to object was strategic and that appellant never argued he was not at the scene, pointedly admitting his presence in his opening and closing arguments to the jury.

The State maintains that the evidence presented through video surveillance footage, witness testimony, and forensic evidence was sufficient to support the judgments of convictions.

III.

We consider first whether appellant's arguments about the content of Detective Soto's testimony are preserved for our review. Rule 8-131(a) states as follows:

> "The issues of jurisdiction of the trial court over the subject matter and, unless waived under Rule 2-322, over a person may be raised in and decided by an appellate court whether or not raised in and decided by the trial court. Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal."

For this Court to decide an issue not raised at the trial court, "the appellate court should evaluate whether the exercise of the discretion provided by Rule 8-131(a) to address an unpreserved claim will promote the orderly administration of justice, by prevent[ing] the trial of cases in a piecemeal fashion, thereby saving time and expense and accelerating the termination of litigation." *Robinson v. State*, 410 Md. 91, 104-05 (2009) (internal quotation removed). However, "[i]t would be unfair to the trial court and opposing counsel, moreover, if the appellate court were to review on direct appeal an un-objected to claim of error under circumstances suggesting that the lack of objection might have been strategic, rather than inadvertent." *Id.* at 104.

Here, Det. Soto expressed his opinion at trial about his observations of the security camera footage at the shopping center. Lay opinion testimony must satisfy Rule 5-701, which provides that "[a] lay witness may testify to those opinions or inferences which are (1) rationally based on the perception of the witness and (2) helpful to a clear understanding of the witness's testimony or the determination of a fact in issue."

Appellant argues for the first time that Det. Soto improperly identified appellant by name in the video surveillance footage. He never objected to this testimony at the trial. Without an objection to this testimony at trial, this issue is not preserved for our review. Even if preserved, defense counsel admitted in his opening statement to the jury that it

would "see [appellant] clear as day on the video," thus rendering any error admitting Det. Soto's identification of appellant harmless.

Appellant next argues that Det. Soto stated improperly that appellant was holding a firearm in his right-hand. At trial, defense counsel objected to this statement by Det. Soto. The judge sustained the objection, telling the prosecutor:

> "Well, it is ultimately up to the jury to decide, but it does appear to be a firearm. So, maybe couch the question in a way of what did it appear to him to be as opposed to what it is, because ultimately, it is up to the jury to decide whether or not that is a firearm. Thank you. Just rephrase it."

The prosecutor rephrased the question and asked Det. Soto what the object in appellant's hand appeared to be and he responded, "[a] firearm." Defense counsel did not ask the court to strike the detective's first answer, nor did he object or advise the court that he was not satisfied with the ruling and rephrasing of the detective's testimony. The issue is not preserved for our review.

The final aspect of Det. Soto's testimony to which appellant objects is Det. Soto's characterization of appellant's actions as "chasing" the juveniles through the shopping center. Again, this issue is not preserved for our review. Defense counsel objected, and the court ruled that the detective can "testify about what his investigation (unintelligible), but it's ultimately up to the jury [to determine] . . . whatever is depicted in the video." The judge instructed the jury as follows:

> "Members of the jury, in this case, you will have video and photographs that will be part of the evidence, and you may have witnesses who may testify about what is seen or perceived to be in the video or photographs. Ultimately, you as the trier of fact have to make the determination as to what you see in the videos, what you believe those videos depict, and what the photographs depict."

The court instructed the jury to use its knowledge and skill to draw its own inferences from the video footage. The instruction to the jury by the judge cured any error. Because the jury can view the video and decide for itself what appellant was holding in his hand, the detective's characterization did not interfere with the jury reaching its own conclusion. As with the other concerns raised by appellant herein, defense counsel did not request any additional relief after the judge instructed the jury.

Appellant urges this Court to exercise our discretion and conduct a plain error review of Det. Soto's testimony. Plain error review "is reserved for those errors that are compelling, extraordinary, exceptional or fundamental to assure the defendant of [a] fair trial." *Robinson v. State*, 410 Md. 91, 111 (2009). We intervene "only when the error complained of was so material to the rights of the accused as to amount to the kind of prejudice which precluded an impartial trial." *Id.* When a failure to object appears to have been a strategic one, as opposed to a mistake, it is inappropriate for this Court to review those claims as plain error. *Id.* at 104. In opening statement, defense counsel told the jury that appellant was clearly visible in the video. While Det. Soto identifies appellant in the video footage, his presence at the crime scene was not an issue in the case, nor was non-presence a defense. Appellant's defense was that even though he was present, he did not participate in the criminal acts. The jury, contrary to appellant's assertion that it only convicted appellant because of Det. Soto's identification, heard from defense counsel that appellant was the man who exited the red Kia in the video footage. We decline to conduct plain error review of this portion of Det. Soto's testimony.

Despite appellant's assertions that his right to a fair and impartial trial was jeopardized by the court's decision to allow Det. Soto to characterize appellant's actions in the video footage and to state that appellant appeared to be holding a firearm in the video footage, appellant failed to request further relief after the trial court sustained appellant's various objections to these remarks. *See Hyman v. State*, 158 Md. 618, 631 (2004) (holding that appellant received his requested relief when the trial court sustained appellant's objection to a witness's statement, and by failing to request additional relief in the form of striking the statement, granting an instruction, or declaring a mistrial, he waived further review on appeal). The court instructed the jury to disregard the testimony, granting the defense the relief that it requested. Without a request for additional relief, appellant waived review of this matter on appeal.

IV.

We next address whether the State presented sufficient evidence to support the convictions. We review the sufficiency of the evidence to determine "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." *Jackson v. Virginia,* 443 U.S. 307, 319 (1979); *Scriber v. State,* 236 Md. App. 332, 344 (2018). As a reviewing court, we do not judge the credibility of witnesses or resolve conflicts in the evidence. *Scriber*, 236 Md. App. at 344. The question before us 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." *Id.* (emphasis in original).

We consider first the convictions for assault in the first and second-degree under the intent to frighten variety. In Maryland, the crime of assault is statutory. *See* Md. Code (2002, 2021 Repl. Vol.), §§ 3-202 & 3-203 of the Criminal Law Article ("Crim. Law")[3]. Assault is defined as "the crimes of assault, battery, and assault and battery." Crim. Law § 3-201(b). In *Snyder v. State*, 210 Md. App. 370, 379-80 (2013), this Court explained the requirements of first and second-degree assault as follows:

> "To convict appellant of first-degree assault, the State must prove all the elements of assault in the second-degree, and, to elevate the offense to first-degree, at least one of the statutory aggravating factors. Statutory second-degree assault encompasses three types of common law assault and battery: (1) the "intent to frighten" assault, (2) attempted battery and (3) battery."

To prove the intent to frighten variety of assault, the State must prove that appellant (1) "commit[ed] an act with the intent to place another in fear of immediate physical harm", (2) "had the apparent ability, at that time, to bring about the physical harm", and (3) the victim was "aware of the impending battery." *Id.* at 382.

Appellant argues that the evidence was insufficient to prove D.D., the victim, was in fear of appellant. The trial court noted that D.D. was "placed in fear by conduct of what was going on with the red vehicle; as well as ducking down at the time when the shots were fired." The combination of D.D. observing the red vehicle driving around the parking lot,

[3] All subsequent statutory references herein shall be to Md. Code, Criminal Law Article.

D.D. ducking down when shots were fired were sufficient for the jury to find appellant guilty of second-degree assault.

The jury convicted appellant of first-degree assault. To find that appellant committed first-degree assault, the factfinder needed to find all of the elements of second-degree assault plus, most relevant here, the use of a firearm. *See* Crim. Law § 3-202(b)(2). The evidence that appellant possessed a firearm during these events included video footage of appellant holding an object in his righthand that appeared to be a firearm, a still-image taken from the video footage that showed the same thing, appellant returning to the red car without appearing to drop or discard the object in his right hand, video footage showing D.D. ducking below a utility box in the parking lot behind Panera, testimony from a Panera employee that she saw a child ducking and then hearing a gunshot, and a recovered 40-caliber spent shell casing from the bank parking lot near where the Panera employee saw the child duck down. This circumstantial evidence of the use of a firearm was sufficient for a jury to find appellant guilty of first-degree assault.

Appellant's remaining convictions for unlawful possession of a firearm after having been convicted of a disqualifying crime, unlawful use of a firearm in the commission of a felony or crime of violence, wearing, carrying, and transporting a handgun on a person, and transporting a handgun in a vehicle, rely on much of the same evidence indicated above. In addition, appellant stipulated to his prior disqualifying conviction at trial. It follows that if the jury found appellant was holding a firearm in his right hand during the pursuit of the juveniles, specifically D.D., then the jury had sufficient evidence to convict appellant of the handgun charges.

JUDGMENTS OF CONVICTION IN THE CIRCUIT COURT FOR HARFORD COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.