Circuit Court for Charles County
Case No. C-08-CR-23-000592

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 155

September Term, 2024

RODNEY LEROY CHASE

v.

STATE OF MARYLAND

Tang,
Kehoe, S.
Raker, Irma S.
(Senior Judge, Specially Assigned),

Opinion by Raker, J.

Filed: December 23, 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).

Appellant, Rodney Leroy Chase, was convicted by a jury in the Circuit Court for Charles County of possessing a regulated firearm with a prior conviction for a crime of violence; possessing a regulated firearm with a prior disqualifying conviction; wearing, carrying, and transporting a handgun upon his person; and possessing a loaded handgun on his person.

Appellant presents the following questions for our review:

"1. Did the trial court err in its rulings regarding the Batson challenges?
2. Did the trial court err in admitting the JSB Apartment surveillance video?
3. Was the evidence legally insufficient to sustain Mr. Chase's convictions?"

Finding no error, we shall affirm.

I.

Appellant was indicted by the Grand Jury for Charles County for eleven counts associated with a loaded firearm. The State entered a *nolle prosequi* on seven charges, and after a jury trial in February 2024, the jury convicted appellant of possessing a regulated firearm with a prior conviction for a crime of violence; possessing a regulated firearm with a prior disqualifying conviction; wearing, carrying, and transporting a handgun upon his person; and possessing a loaded handgun on his person. For sentencing purposes, the court merged the wear and carry count with the possession of a loaded handgun on his person and merged the possession with a prior disqualifying conviction count with possessing a regulated firearm with a prior felony conviction. The court imposed a term of incarceration of fifteen years, all but 7 years suspended for possession of a firearm after a conviction for

a crime of violence and a term of incarceration of 3 years, concurrent, for wearing and carrying a loaded handgun, followed by 5 years of supervised probation.

We glean the following facts from the trial. On July 28, 2023, around 12:30 p.m., officers responded to the JSB Apartments in Waldorf, Charles County, Maryland, after a call for a shooting. Various officers were on a surveillance assignment in the area. Many responding officers, including Sergeant Antonio Malaspina and Detective Dennis Sauve, testified that they observed a man, later identified as appellant, run across Route 301. Sergeant Malaspina assisted in taking appellant into custody when appellant spontaneously made statements that he was set up. Officers located a firearm in the grass near the parking lot and dumpster, and appellant denied that it was his. Detective Sauve testified that he was conducting surveillance in the area of the JSB Apartments. He observed two individuals running through the parking lot and ducking near the building. He observed another individual run across Route 301. Detective Sauve testified regarding a surveillance video of the JSB Apartments (State's Exhibit 32), although Detective Sauve testified he could not see in person all the angles the video displayed. Detective Sauve recalled seeing a particular vehicle shown in the surveillance footage enter the parking lot. He testified that the video presented a fair and accurate depiction of the vehicle entering the lot on the day of the shooting, as well as a fair and accurate depiction of the two people he observed running and ducking. Detective Sauve identified appellant in court as the individual he observed running across Route 301 and later observed in Officer Malaspina's custody.

Defense counsel objected to Detective Sauve's testimony regarding his observations from the JSB Apartments surveillance video on two grounds: (1) because another officer,

not Detective Sauve, had obtained the video through a password from an unknown property manager, the video could not be authenticated, and (2) Detective Sauve did not witness all of the events in the video. The court responded accordingly:

> "Okay. So, as far as . . . I'm assuming this is a motion to preclude the introduction of this video taken in its entirety is granted in part. And I'm going to say that Mr . . . I'm sorry, Officer Sauve can . . . can . . . I'll allow the portion that he with his own eyes saw and can authenticate that that's what he saw and it's a fair and accurate representation of that portion of it. So, granted in part, denied in part."

Detective Sauve stated that the video was a fair and accurate depiction of his observations. On cross-examination, defense counsel asked Detective Sauve about the contents of his written report. Detective Sauve testified that he did not include in his report his observations about people running for cover, nor his observation of appellant running across the street.

The State asked Detective Gregory about the JSB Apartments surveillance video. Detective Gregory testified that he was provided with a website, log-in instructions, a username, and a password. He testified that, to his knowledge, the website did not allow him to edit the footage. Defense counsel again objected on authentication grounds, particularly on the grounds that the video was obtained through a password from an unknown individual and Detective Gregory could not know if it had been modified. The court overruled the objection. Defense counsel continued to object to the exhibit, and the State countered that there was enough evidence for a reasonable juror to determine the video had been authenticated. The trial court admitted the video and it was played for the jury.

Officer Gould, who responded to the scene, read appellant his Miranda rights and questioned him in his police car after appellant had been arrested. Appellant said he was involved in a dispute and that someone shot at him. He denied having a gun, and at one point stated that he could be tested for gun residue or that the gun could be tested for DNA fingerprints.

Firearms Examiner Alicia Hauser testified that recovered casings were consistent with having been fired from the same firearm. Forensic science technician Tailor Mayne testified that she processed the firearm for fingerprints and DNA and could not recover any fingerprints. Forensic scientist Tiffany Keener testified as an expert regarding the DNA analysis. Ms. Keener testified that DNA swabs of the firearm revealed a DNA profile of at least three contributors, at least one of which was male. She could not make any conclusions regarding the DNA.

During jury selection and voir dire, the following exchange occurred:

> "COURT CLERK: Will the jurors please line up in the aisle in the order that I call your number. Juror number 10—… Juror number 11, juror number 23, juror number 32, juror number 40, juror number 53, juror number 60, juror number 63, juror number 76, juror number 87, juror number 97. State, as to juror number 10?
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> [PROSECUTOR]: Please seat.
>
> COURT CLERK: Defense?
>
> [DEFENSE COUNSEL]: Please thank and excuse.
>
> THE COURT: Oh, so you can have a seat back in the Courtroom, thank you…
>
> ***

COURT CLERK: Defense, as to juror number 32?

[DEFENSE COUNSEL]: Please thank and excuse.

[PROSECUTOR]: May Counsel and I approach?

THE COURT: Yes.

Counsel approached the bench and the following occurred:

[PROSECUTOR]: So, Your Honor, at this point I have to make a Batson challenge. There's been two Caucasian females, neither of them answered any questions and both of them have been stricken by the Defense.

[DEFENSE COUNSEL]: I can go through, I can go through and state all the reasons why I struck people.

THE COURT: Okay.

[DEFENSE COUNSEL]: I struck juror number 10 because when we were talking about the charges, she winced. I struck juror number 23 because—oh, no, I'm sorry—yes, I struck juror number 23 because he said that he had reservations and I thought that he should be stricken—should have been stricken for cause anyway.

[PROSECUTOR]: I wasn't asking on 23.

[DEFENSE COUNSEL]: And then I struck number 32 because when we were going over the charges, she gave a bad look. These are what I have written down, bad look towards my client.

THE COURT: Well do you want to ask her about the wince and the look, because they might have stubbed their toe? I mean—

[DEFENSE COUNSEL]: Well it was when—

THE COURT: It seems like you could ask them about that.

[DEFENSE COUNSEL]: Well I have—I can, I can strike people for whatever reason I want, so long as it's not based on race or religion or creed or something like that. But if I have a reason why I don't like a particular juror, I'm allowed to strike that juror.

THE COURT: Well, it just depends on—I mean—

[DEFENSE COUNSEL]: I mean I didn't strike her because she's—

THE COURT: —if you feel like they—

[DEFENSE COUNSEL]: —white.

[PROSECUTOR]: Or female, white female.

THE COURT: All right, what's your response to that?

[PROSECUTOR]: For which part?

THE COURT: All of it, I suppose.

[PROSECUTOR]: So, so I would ask Your Honor, obviously based on the situation, that Your Honor find that that was a pattern in regards to the strikes, again, three strikes, two of the three of them used on white females, neither of them answered any questions in the voir dire. So I do believe there has been shown a pattern in regards to white females in terms of striking. In terms of the (inaudible) reasons, ultimately it's Your Honor's discretion—

[DEFENSE COUNSEL]: Well I'm—mm-hmm, go ahead.

[PROSECUTOR]: To (inaudible) that, the pattern, again, we would indicate neither one answered any questions. I don't, you know—

THE COURT: Right.

[PROSECUTOR] —I haven't seen anything (inaudible). That's all.

[DEFENSE COUNSEL]: Right, so it doesn't, it doesn't just have to be based on them answering questions or not answering questions. If I have any race neutral reason why I'm striking people, it can be because if they're wincing when the charges are read, that's a, that's a red flag. I absolutely want to strike somebody because of that. If somebody gives my client a bad look, in my opinion, and in my client's opinion, that's a race neutral reason. I have, I literally was able to say straight off the bat why I struck these people—struck these people. I'm not striking them because they're white females.

THE COURT: Well I think there, I think there is a pattern and so I think without even asking them more information and having them put that on the

record, I'm not going to strike them for those reasons. I mean they're non-verbal. If you have questions, like we did with everything else, if there's something, like that person was talking to someone else, I asked them to come up so we can clarify that, but that could be given for

[DEFENSE COUNSEL]: Right, well I would just note my objection and—

THE COURT: Okay.

[DEFENSE COUNSEL]: —and note that it's, it's, case law says that I can strike a juror for any race neutral reason.

THE COURT: Okay.

[DEFENSE COUNSEL]: I'm not striking the juror because they're white—

THE COURT: But you don't know the reason—

[DEFENSE COUNSEL]: —females.

THE COURT: Right, so you don't, you didn't bring the fact that they winced up, you didn't ask to get more information from that juror to find out what was going on with that, or just ask them about it, because they may have said something on the record like oh, yeah, when I heard it, this or that.

[DEFENSE COUNSEL]: Right.

THE COURT: But to now use it as a basis when they all are white, I do find that it's a pattern, so I am going to grant the Motion on the Batson challenge.

[DEFENSE COUNSEL]: Mm-hmm.

THE COURT: But—

[PROSECUTOR]: It would only be for 32, to be fair, technically. I don't think we go back and seat—

THE COURT: No, I wouldn't seat the other ones, but 32. Okay.

Whereupon counsel returned to trial tables and the following occurred in open court:

COURT CLERK: Defense, as to juror number 32?

THE COURT: So, over her objection, so stay—

[PROSECUTOR]: They can stay with the State's—(inaudible).

THE COURT: I'm sorry?

[PROSECUTOR]: Please seat.

THE COURT: Please seat, mm-hmm.

* * *

COURT CLERK: Defense, as to juror number 53?

[DEFENSE COUNSEL]: Please seat.

COURT CLERK: State?

[PROSECUTOR]: Please thank and excuse.

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COURT CLERK: Defense, as to juror number 143?

[DEFENSE COUNSEL]: Please seat.

COURT CLERK: State?

[PROSECUTOR]: Please thank and excuse.

[DEFENSE COUNSEL]: May we approach?

THE COURT: You may.

Whereupon, counsel approached the bench and the following occurred:

[DEFENSE COUNSEL]: So, Your Honor, at this point the State has used both of its strikes on black woman, so I would make a Batson challenge.

THE COURT: Okay.

[PROSECUTOR]: She's also (inaudible).

THE COURT: Can you move down just a little bit so we can make sure you're being picked up.

[PROSECUTOR]: I would also note that there are a number of African-American females in the (inaudible) panel that we didn't strike, so I would argue that it isn't even a pattern at this point. I'd look over and give the number but I don't want to do it.

THE COURT: Yeah, it's seven already.

[DEFENSE COUNSEL]: Yeah, and I, you know, I sat, I sat a white man and I didn't get any, really get an opportunity to sit any other races of people before I was Batson challenged, so I'm noting my Batson challenge.

THE COURT: Okay, so because there are seven African-American or appear to be African-American people on the jury, I don't think there's a pattern, so.

[DEFENSE COUNSEL]: Okay.

THE COURT: Okay, all right."

At the conclusion of selection of the jury the following occurred:

"COURT CLERK: Is the State satisfied with the special panel as now seated?

[PROSECUTOR]: The State is satisfied.

COURT CLERK: Is the Defense satisfied with the special panel as now seated?

[DEFENSE COUNSEL]: Subject to prior objections."

At the conclusion of the selection of alternates, the following occurred:

"COURT CLERK: Is the State satisfied with the special panel as now seated?

[PROSECUTOR]: The State is satisfied.

COURT CLERK: Is the Defense satisfied with the special panel as now seated?

[DEFENSE COUNSEL]: Subject to prior objections."

During voir dire, Juror 143 indicated prior service on a jury and confidence in serving again in a fair and impartial manner. Juror 53 indicated that her son had previously been arrested and that she was not satisfied with how that case was investigated by police and was handled by the courts, which could affect her impartiality:

"JUROR 53: Oh, my son has been arrested.

THE COURT: Was that here in Charles County?

JUROR 53: Uh-uh, P.G. County and D.C.

THE COURT: What was he arrested for?

JUROR 53: Armed robbery and assault.

THE COURT: Is that case still going on?

JUROR 53: No.

THE COURT: And then were you satisfied with how that case was investigated by the Police and handled by the Courts?

JUROR 53: No.

THE COURT: Why do you say that?

JUROR 53: Because I just felt like in these cases, sometimes they just make these young men just plea, take a—cop a plea and don't give them due process because they just, people—I mean—I think it was his own lawyer, anyway, but.

THE COURT: He was what?

JUROR 53: His own lawyer who made him plea, cop out a plea and not go through the whole process of, because I believed that if he would have went through it he may not have been—came out a two time felon at 23-years-old.

THE COURT: All right. Would you be able to put what you know about that case aside and be fair and impartial in this matter?

JUROR 53: I would hope so, but I'm not sure.

THE COURT: So when you say you're not sure, you have to—you either are going to be fair or you're not going to be fair; so when you say you hope so, you're saying you have reservations, can you tell us why?

JUROR 53: Maybe my own thoughts about the justice system, with the process and of the law, my own feeling by going to Court with him several times and what I've seen and what I've heard, so.

THE COURT: So it would make you unfair or fair? I'm just trying to

JUROR 53: It might make, yeah, it might make me unfair—

THE COURT: Okay.

JUROR 53: —and go on the side of the, regardless of the information after it's being heard. I don't know.

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DEFENSE COUNSEL: I just, I just have one follow-up.

JUROR 53: Mm-hmm.

DEFENSE COUNSEL: So the Judge read to you that you would have to, you know, you would be given legal instructions and you would have to listen to those instructions—

JUROR 53: Mm-hmm.

DEFENSE COUNSEL: —and render a verdict—

JUROR 53: Mm-hmm.

DEFENSE COUNSEL: —based on what you heard in the Court. Do you think you would be able to do that?

JUROR 53: I do.

DEFENSE COUNSEL: Okay.

JUROR 53: Yeah. I was just saying the reservations and I was saying about what my son, but I think that I would be able to do, to listen to it and be as fair as I possibly could.

DEFENSE COUNSEL: Okay, thank you.

[PROSECUTOR]: Which is fair to say, because you said you have reservations based on your son's experiences—

JUROR 53: Mm-hmm.

[PROSECUTOR]: —that may influence how you view the evidence; is that fair?

JUROR 53: Not view the evidence, but—I want to put it into words.

[PROSECUTOR]: That's okay.

JUROR 53: So it's not—I would definitely hear the evidence and take it into consideration. I don't want to, my experience with my son to cloud my judgment on the case moving forward, if that makes sense. I don't know if I'm—I take (inaudible).

THE COURT: Okay, all right, thank you."

The trial proceeded and appellant was convicted on the above articulated counts.

II.

Before this Court, appellant argues that the court erred with respect to both *Baston* rulings. Regarding the State's *Baston* motion, appellant asserts that the State's *Baston* challenge became moot once defense counsel gave reasons for striking the jurors—their physical reactions to various questions. The court erred by thereafter requiring defense counsel to make an inquiry into the reason behind these physical reactions. By not evaluating whether the State met its burden in proving defense counsel engaged in

intentional discrimination, the court made the erroneous conclusion that there was a pattern in defense counsel's juror strikes and erroneously granted the challenge and reseated Juror 32. Regarding defense counsel's *Baston* motion, appellant argues that the court erred by concluding there was not a pattern in the State's strikes and that the State did not offer any reasons for striking the African American women. The State's argument that there were other African Americans on the jury was insufficiently clear and specific.

Next, appellant argues that the trial court erred by admitting the JSB Apartments surveillance video. Appellant asserts that the State committed discovery violations by failing to provide defense counsel with reports on Officer Sauve's observations or any information regarding who obtained the videos and how they were obtained. These violations failed to protect appellant from unfair surprise. Appellant argues that the state failed to authenticate the video. Appellant suffered two forms of prejudice: (1) appellant was unable to prepare his defense to account for the belatedly disclosed evidence, and (2) the tainted evidence may have influenced the jury's verdict because the State relied heavily on the video in its case.

Finally, appellant argues that the evidence was legally insufficient to sustain his convictions. Appellant asserts that the State was never able to place a weapon in appellant's hands or prove that he fired it.

The State argues that the court correctly decided the two *Batson* motions. Regarding the State's motion, the State asserts that the court correctly found that appellant's race- and gender-neutral explanations were pretextual. Regarding defense counsel's motion, the State argues that the court correctly found that appellant had failed to establish a *prima*

facie showing that the State had used its peremptory strikes with discriminatory intent. The State points to the fact that it did not use any strikes against the other seven African American women on the jury and that the two jurors the State struck answered questions, some of which provided cause for striking.

The State argues that the court correctly admitted the JSB surveillance video. The State asserts that Detective Sauve's direct observations and other circumstantial evidence were sufficient for a reasonable juror to find the footage was authentic. The State maintains that it did not violate its discovery obligations. The State produced Detective Sauve's written report in its discovery disclosure, and appellant elicited additional testimony from Detective Sauve during cross-examination. Appellant failed to establish the existence of any other report that the State failed to disclose. The State argues that appellant failed to establish that the State intended or attempted to call witnesses to provide information about how the video was obtained, which was not previously disclosed in discovery. The State was not required to provide defense counsel with an annotated roadmap of its case.

Finally, the State argues the evidence was sufficient to prove beyond a reasonable doubt that appellant was the shooter. The State maintains that the testimony of witnesses such as Sergeant Malaspina and Detective Sauve, as well as exhibits such as the surveillance video, were sufficient to identify appellant as the shooter.

III.

We address first the two *Batson* motions. Under federal law stemming from *Batson v. Kentucky*, 476 U.S. 79 (1986), as well as Maryland state law:

> "[T]he exercise of peremptory challenges on the basis of race, gender, or ethnicity violates the Equal Protection Clause of the Fourteenth Amendment. Excusing a juror on any of those bases violates both the defendant's right to a fair trial and the potential juror's right not to be excluded on an impermissible discriminatory basis. Moreover, when the striking party's choice of jurors is tainted with racial bias, that overt wrong casts doubt over the obligation of the parties, the jury, and indeed the court to adhere to the law throughout the trial, inviting cynicism respecting the jury's neutrality and undermining public confidence in adjudication." *Ray-Simmons v. State*, 446 Md. 429, 435 (2016).

In *Batson*, the Supreme Court held:

> "Although a prosecutor ordinarily is entitled to exercise permitted peremptory challenges for any reason at all, as long as that reason is related to his view concerning the outcome" of the case to be tried, the Equal Protection Clause forbids the prosecutor to challenge potential jurors solely on account of their race or on the assumption that black jurors as a group will be unable impartially to consider the State's case against a black defendant."

Batson, 476 U.S. at 89 (internal citations omitted).

The Supreme Court of Maryland has articulated the applicable test for a *Batson* challenge as follows:

> "The Supreme Court set forth a three-pronged test for a *Batson* challenge that is based on race. First, the defendant must establish a *prima facie* case of purposeful racial discrimination by showing that he or she is a member of a cognizable racial group, and that the prosecutor has exercised peremptory strikes to remove from the jury panel members of the defendant's race. Second, the burden shifts to the prosecutor to come forward with a race-neutral explanation for peremptorily striking prospective jurors who are the same race as the defendant. Third, the trial court must determine whether the defendant has established purposeful discrimination."

Trotman v. State, 466 Md. 237, 253-54 (2019) (internal citations omitted).

Pursuant to Step 1, "[t]he *prima facie* showing threshold is not an extremely high one—not an onerous burden to establish." *Ray-Simmons*, 226 Md. at 436 (internal citation omitted). The moving party must "show that the totality of the relevant facts creates an

inference of discriminatory purpose." *Berry v. State,* 155 Md. App. 144, 160 (2004). A *prima facie* case refers to "the establishment of a legally mandatory, rebuttable presumption," and "[w]hether the requisite *prima facie* showing has been made is the trial judge's call which must be made in light of all of the relevant circumstances" *Mejia v. State*, 328 Md. 522, 533 (1992) (internal citation omitted). Relevant circumstances include "a pattern of strikes against jurors of the cognizable group in the particular venire, or the prosecutor's questions and statements during the voir dire examination and the exercise of peremptory challenges." *Id*. (internal citation omitted). "[T]he question of whether the challenger has made a prima facie case under step one becomes moot if the striking party offers an explanation for the challenged strike." *Ray-Simmons*, 446 Md. at 437.

If the moving party satisfies Step 1, the analysis proceeds. At Step 2, the burden shifts to the non-moving party to "proffer a facially valid, race-neutral explanation." *Edmonds v. State*, 372 Md. 314, 330 (2002). "An explanation must be race-neutral, but it does not have to be persuasive or plausible. Any reason offered will be deemed race-neutral unless a discriminatory intent is inherent in the explanation." *Id*. (internal citation omitted). "The proponent of the strike cannot succeed at step two by merely denying that he had a discriminatory motive or by merely affirming his good faith." *Ray-Simmons*, 446 Md. at 436 (citation omitted). "Unless a discriminatory intent is inherent in the [non-moving party's] explanation, the reason offered will be deemed race neutral." *Hernandez v. New York*, 500 U.S. 352, 360 (1991).

If Step 2 is satisfied, the analysis proceeds under Step 3. The court must determine "whether the opponent of the strike has proved purposeful racial discrimination." *Purkett v. Elem*, 514 U.S. 765, 767 (1995). At this stage, "the persuasiveness of the justification becomes relevant[.] . . . [T]he trial court determines whether the opponent of the strike has carried his burden of proving purposeful discrimination." *Ray-Simmons*, 446 Md. at 437. The Supreme Court of Maryland explains the analysis as follows:

> "A discriminatory purpose may be inferred from the totality of the circumstances and relevant facts. *Hernandez*, 500 U.S. at 363, 111 S.Ct. at 1868, 114 L.Ed.2d 395. Among the factors the court may consider to determine whether the proponent intended to discriminate are: the disparate impact of the prima facie discriminatory strikes on any one race; the racial make up of the jury; the persuasiveness of the explanations for the strikes; the demeanor of the attorney exercising the challenge; and the consistent application of any stated policy for peremptory challenges."

Edmonds, 372 Md. at 330.

"Because a *Batson* challenge is largely a factual question, a trial court's decision in this regard is afforded great deference and will only be reversed if it is clearly erroneous." *Ray-Simmons*, 446 Md. at 437. The trial court is best positioned to make the credibility assessment required.

We address first the State's *Batson* motion. Appellant relies on *Gilchrist v. State*, 340 Md. 606 (1995) to argue that the State's challenge became moot after defense counsel offered reasons behind their challenge. In *Gilchrist*, the court wrote, "we note that the issue of whether a *prima facie* case was properly made before the trial court has been treated as moot once the party making the peremptory challenges has offered explanations for the

discriminatory challenges, and the trial court has ruled on the ultimate question of intentional discrimination." *Gilchrist*, 340 Md. at 628 (citation omitted). The State agrees with appellant. We therefore proceed to Step 2.

Appellant offers the following as race-neutral explanations to the strikes: Juror 10 winced in response to hearing the charges, and Juror 32 gave appellant "a bad look." Appellant argues that the court was incorrect to require appellant to make an inquiry into the basis for these reactions. At Step 2, we do not yet inquire into the persuasiveness of appellant's explanation. Appellant's explanation therefore satisfies Step 2.

However, appellant fails to overcome Step 3. Here, the lower court's focus on defense counsel declining to inquire into the basis for Juror 10's and Juror 32's reactions after the court provided her with an opportunity to do so was proper. The court was within its discretion to determine that defense counsel's demeanor and the persuasiveness of the explanations suggested that the explanations were pretextual. The lower court is better suited to make this kind of credibility analysis, and we defer to its determination.

We next address defense counsel's *Batson* motion. Appellant argues a *prima facie* case of discrimination because the State used both of its strikes on African American women. The court noted that seven other African American women were seated on the jury with no objection and failed to find a pattern of discrimination at Step 1. We affirm the trial court's judgment. Moreover, as the State points out, Juror 53 answered questions in a manner suggesting that she would not be fair and impartial given her dissatisfaction with the justice system relating to her son's arrest. Defense counsel's comment, "I sat a white man and I didn't get any, really get an opportunity to sit any other races of people before I

was Batson challenged, so I'm noting my *Batson* challenge," could suggest that the challenge was more a response to the State's challenge rather than a genuine concern. We affirm the lower court's decision to uphold the State's *Batson* motion and deny appellant's motion.

III.

We next address appellant's argument regarding the JSB surveillance video. Rule 4-263 governs discovery in circuit court criminal cases. Under Rule 4-263(h)(1):

> "[T]he State's Attorney shall make disclosure pursuant to section (d) of this Rule within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the court pursuant to Rule 4-213 (c)."

Pursuant to Rule 4-263(d):

> "Without the necessity of a request, the State's Attorney shall provide to the defense:
>
> ***
>
> (3)(C) all written statements of the witness that relate to the offense charged;
>
> (9) *Evidence for Use at Trial.* The opportunity to inspect, copy, and photograph all documents, computer-generated evidence as defined in Rule 2-504.3 (a), recordings, photographs, or other tangible things that the State's Attorney intends to use at a hearing or at trial[.]"

The State is charged with the "knowledge of all seemingly pertinent facts related to the charge which are known to the police department." *Robinson v. State*, 354 Md. 287, 304 (1999). Where the trial court makes no express determination whether a discovery violation occurred, we review the issue *de novo*. *Green v. State*, 456 Md. 97, 124 (2017).

Rule 5-901 governs authentication and reads, in pertinent part, as follows:

> (a) "The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims."

Rule 5-901(b) provides various, but not exclusive, ways in which evidence can be authenticated, stating as follows:

> "(1) *Testimony of Witness With Knowledge.* Testimony of a witness with knowledge that the offered evidence is what it is claimed to be.
>
> ***
>
> (4) *Circumstantial Evidence.* Circumstantial evidence, such as appearance, contents, substance, internal patterns, location, or other distinctive characteristics, that the offered evidence is what it is claimed to be.
>
> ***
>
> (9) *Process or System.* Evidence describing a process or system used to produce the proffered exhibit or testimony and showing that the process or system produces an accurate result."

The bar for authentication is not particularly high. *Mooney v. State*, 487 Md. 701, 717 (2024). "[F]or a trial court to admit a video, there must be sufficient evidence for a reasonable juror to find by a preponderance of the evidence that the video is authentic." *Id*. at 728. A video can be authenticated through several theories, including the testimony of witnesses with knowledge under Rule 5-901(b)(1), through circumstantial evidence under Rule 5-901(b)(4), or through a combination of both. *Id*. at 728-30. A witness with personal knowledge of every event depicted in a video for the video to be authenticated is not required. All that is required is that the proponent of the video "demonstrate that the evidence is sufficient for a reasonable juror to find by a preponderance of the evidence that

the video is what it is claimed to be." *Id*. at 730. This is a fact-specific inquiry that will vary case by case. *Id*. at 709.

Under Rule 5-901(b)(9), a video can be authenticated through the "silent witness" theory, where there is "an adequate foundation assuring the accuracy of the process producing" the video. *Department of Public Safety and Correctional Services v. Cole*, 342 Md. 12, 21-22 (1996). An adequate foundation can be laid where a witness testifies about "the type of equipment or camera used, its general reliability, the quality of the recorded product, the process by which it was focused, or the general reliability of the entire system. *Mooney*, 497 Md. at 706 (internal citation omitted). We review the trial's determination as to whether an exhibit was properly authenticated for abuse of discretion. *Id*. at 717.

The State did not commit a discovery violation. As the State argues, appellant admits that the State produced Detective Sauve's written report in its discovery disclosure. During trial, defense counsel mentioned having a copy of the report. During cross-examination, the State elicited additional testimony from Detective Sauve which was not included in his written report. The State cannot be charged with failing to disclose testimony which had not yet been elicited. Nor has appellant sufficiently established that the State failed to disclose information regarding how the JSB surveillance video was obtained. The State disclosed that it intended to authenticate the footage through officer testimony. By disclosing the witnesses the State intended to call, the State satisfied its discovery obligations.

Nor did the State fail to authenticate the JSB surveillance video. Appellant relies on *Cole* and *Washington v. State*, 406 Md. 642 (2008) to argue that the State needed to

authenticate the video by someone with first-hand knowledge. Appellant quotes the *Washington* court's discussion of authentication through testimony regarding "the type of equipment or camera used, its general reliability, the quality of the recorded product, the process by which it was focused, or the general reliability of the entire system" *Washington*, 406 Md. at 653 (internal citation omitted). While this would be relevant testimony to authenticate the video under Rule 5-901(b)(9)—and the *Washington* court held that the video in question in that case was not authenticated in part because there was no testimony regarding the process used to create the video, which came from an unknown person—this kind of testimony is not required. Video footage can be authenticated in other ways, even when it comes from an unknown person. Moreover, the newer case, *Mooney,* clarifies that a witness need not have personal knowledge of every event depicted in a video to properly authenticate that video. Detective Sauve's testimony that the footage fairly and accurately depicted his observations on the day and time of the shooting served as authentication testimony under Rule 5-901(b)(1). Circumstantial evidence including photographs of the relevant area of the shooting and testimony regarding the shell casings in the parking lot also combined to authenticate the footage under Rule 5-901(b)(4). The trial court properly admitted the video into evidence.

IV.

Finally, we address appellant's sufficiency of the evidence argument. 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) (citation omitted). We 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 citation omitted). "An inference need only be reasonable and possible; it need not be necessary or inescapable." *Cerrato-Molina v. State,* 223 Md. App. 329, 338 (2015) (citation omitted). "A valid conviction may be based solely on circumstantial evidence." *Suddith,* 379 Md. at 430 (citation omitted).

A reasonable jury could have found that appellant was the shooter in question. The JSB video, which revealed a shooter in grey clothes, corroborated Detective Sauve's testimony that he observed a man in grey sweats cross Route 301 after he observed two individuals running for cover. Sergeant Malaspina's testimony identifying as appellant the man he observed running across Route 301 and attempting to run before he could apprehend him, as well as his testimony that appellant admitted to being at the JSB and, after hearing that a gun was recovered, denied the gun was his, further served as circumstantial evidence that could convince a rational jury that appellant was the shooter in question. We defer to this reasonable and possible inference.

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