

Circuit Court for Baltimore City
Case No. 122116003

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 275

September Term, 2024

DONZO MONK, JR.

v.

STATE OF MARYLAND

Berger,
Tang,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 28, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by a jury in the Circuit Court for Baltimore City of first degree murder, conspiracy to commit first degree murder, and related offenses, Donzo Monk, Jr., appellant, presents for our review a single issue: whether the evidence is insufficient to sustain the convictions. For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State called Raul Diaz Alvalyro, who testified that at approximately 2:00 p.m. on March 10, 2022, he was sitting next to his car when he heard “[s]omething like a shot.” Mr. Diaz “stood up [and] saw a person running and a car was going after him.” The car was a “little” black “Chevy” with “a little tail, like a little half-tail behind,” a “35 polarized tint” on the windows, and two people inside. When the person who was running “went hiding behind [a] van, the people driving the car stopped the car right next to the van, or close to the van.” The “driver and the person that was in the backseat got out” and “went to shoot” the person who had been running “in the forehead,” causing him to fall “on his side, on the grass.” Mr. Diaz testified that he heard one gunshot “when they were arguing,” and “the other two . . . when they stopped the car.” During the “arguing,” the driver of the car said “that he couldn’t stay there anymore.” Mr. Diaz also “heard stuff about drugs.” The driver was wearing “a black sweater with something like a hoodie . . . covering it,” and the passenger was wearing “[b]lack” with “a small, red strip.” The gun that Mr. Diaz “saw most was the one the driver had,” which “was like a .45.” After the shooting, the driver re-entered the car and drove “towards like [a] Home Depot and a gas station.”

The State also produced evidence that a police detective subsequently discovered the victim, later identified as Bryant Timmons, outside of 6820 Sturbridge Drive. Baltimore Police Crime Laboratory Technician Leah Garner reported to the scene and discovered, among other items, two “cartridge cases.” An assistant medical examiner performed an autopsy of Mr. Timmons and determined that he died of gunshot wounds to his head and thigh.

The State also called Baltimore City Police Detective Kelsey Roberts, who testified that on March 10, 2022, she reported to Sturbridge Drive, spoke with “people who had heard the shots,” and obtained “some brief descriptions of . . . a vehicle having left the scene in a vague direction of travel.” Other officers told Detective Roberts “that in this area, there is very close by [a] problem area where a lot of violence does stem from, which is the Eagle Mart Gas Station, located at 2311 East Northern Parkway.” The detective went to the Eagle Mart and arranged for video recordings made by the gas station’s video surveillance camera system to be downloaded onto a “USB.” The recordings, which the State entered into evidence, depict “a black, four-door Cobalt” with “a spoiler on the trunk” and tag number 1EK1574 arriving at the gas station at 1:50 p.m., and an individual “wearing [a] black sweatshirt [with] a picture of a woman in lingerie on the front of it” and a “white symbol” that “appear[ed] to be an ‘X’” on its “left sleeve” emerge from “the driver’s side of the black Chevy Cobalt.” The recordings also depict Mr. Timmons arriving at the gas station at 1:56 p.m., speaking with the individual in the black sweatshirt, and departing on foot “towards an apartment complex, . . . where Sturbridge would be located.” Detective Roberts also obtained from a nearby business known as CSL Plasma a video

recording made by the business’s video surveillance camera system. The detective viewed the recording and observed Mr. Timmons and an unidentified man wearing a plaid jacket. The recording also “shows the black Cobalt coming behind the Eagle Mart, off of Northern Parkway, and parking in the parking lot.” Detective Roberts also obtained a video recording made by a surveillance camera located at a residence at 6601 Laurelton Avenue. The recording “shows that the Chevy . . . makes a left onto Laurelton . . . heading towards the intersection of Laurelton and East Northern Parkway, which would be the direction to get to the apartment complex where [the] victim was shot.”

Detective Roberts determined that the Cobalt was registered to Kevrie Stokes. On March 13, 2022, police located the Cobalt, which was being driven by Ms. Stokes’s brother Joseph Hammond. Technician Garner processed the Cobalt and discovered, in “the front driver’s side door pocket,” mail addressed to Mr. Monk and a “damage report” for Ms. Stokes. In the back seat of the Cobalt, the technician discovered a “white bag . . . that had marking that said ‘New Language’ on it,” and a “blue ice cube pattern bag.”

Police determined that Ms. Stokes lived at 700 East Chase Street, Apartment 101, and “requested video footage from” that location. Detective Roberts obtained from the footage “still shots of . . . a black Chevy Cobalt parked on the street directly in front of the building, and coming out of the building[,] an individual . . . identified as [Ms.] Stokes and a gentleman.” The detective also obtained “still shots” of the “Cobalt . . . parked right in front of the steps that lead into the building,” and an individual “wearing [an] orange backpack and . . . black hoodie and carrying [a] white and blue bag.”

On March 15, 2022, Detective Roberts interviewed Ms. Stokes. That same day, police executed a search and seizure warrant for Ms. Stokes’s residence and recovered an orange backpack. On April 7, 2022, Detective Roberts and other officers executed a second search and seizure warrant for Ms. Stokes’s residence, during which the detective located an “iPhone.” The detective “obtain[ed] a phone number for” Mr. Monk and “wrote a historical cell site search warrant.” Special Agent Michael Fowler of the Federal Bureau of Investigation, who was accepted by the court as an expert in “cellular telephone and record analysis,” subsequently “analyze[d] call detail records” for the phone number and determined that the “device” associated with the number “arriv[ed] into the area of” the Eagle Mart and Sturbridge Drive “at approximately 1:49, 1:50 p.m., on March 10th of 2022.” Agent Fowler further determined that beginning at 2:06 p.m., the device had “activity consistent with that device beginning to move away from the area” of Sturbridge Drive. The agent determined that the records showed “activity consistent with that device . . . moving away from the area of” the Eagle Mart and Sturbridge Drive from 2:12 p.m. to “just before 2:30 p.m.”

On May 11, 2022, police conducted a traffic stop of a vehicle driven by Tyrell Jackson. Police subsequently searched the vehicle and discovered a handgun. Baltimore Police Department Firearms Examiner Jeremy Momkres, who was accepted by the court as an expert in the field of “firearms identification, examination, and operability,” examined the handgun and identified it as a “Smith & Wesson Model M&P 9 Shield M2.0 9mm semiautomatic Luger.” Mr. Momkres also determined that the cartridge cases

collected by Technician Garner “were consistent with having been fired with the Smith & Wesson 9mm pistol.”

The State also called Ms. Stokes, who testified that she previously dated Mr. Monk, and by March 10, 2022, had “been seeing” Mr. Monk for “about three [to] four months.” Ms. Stokes testified that at that time, she had allowed Mr. Monk to drive her car, which was a 2010 Chevy Cobalt. Ms. Stokes viewed still photographs of the “black Chevy Cobalt” depicted in the video recording made by the surveillance camera system of the Eagle Mart and identified the vehicle as her car. Ms. Stokes also viewed still photographs of the individual in the black sweatshirt depicted in the video recording, identified the individual as Mr. Monk, and identified herself as the woman depicted in the picture on the sweatshirt.

Mr. Monk first contends that, for numerous reasons, “the evidence adduced by the prosecution was legally insufficient to establish his identity as the person who shot and killed” Mr. Timmons. We disagree. Ms. Stokes identified the car depicted in the video recordings from the Eagle Mart as her 2010 Chevy Cobalt, and identified the individual depicted in the recordings wearing a black sweatshirt bearing her photograph as Mr. Monk. The recordings depict Mr. Monk arriving at the Eagle Mart in the Cobalt at 1:50 p.m. and subsequently speaking with Mr. Timmons. The recordings from the Eagle Mart and 6601 Laurelton Avenue depict Mr. Timmons walking toward the apartment complex located on Sturbridge Drive, and the Cobalt subsequently traveling toward the complex. Mr. Diaz testified that he saw a vehicle resembling the Cobalt approach Mr. Timmons, after which the driver of the Cobalt, who was wearing “a black sweater with something like a hoodie,”

emerged from the Cobalt and shot Mr. Timmons. Mr. Diaz also heard the driver tell Mr. Timmons “that he couldn’t stay there anymore.” When the Cobalt was located, police discovered inside the vehicle mail addressed to Mr. Monk and a bag that had been depicted in “video footage” from Ms. Stokes’s residence. Police seized from the residence Mr. Monk’s cell phone, which was later determined to have moved toward the Eagle Mart and Sturbridge Drive prior to the shooting, and “away from the area” following the shooting. Finally, the cartridge cases collected by Technician Garner at the site of the shooting were determined to be “consistent with having been fired” from the same firearm. From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Mr. Monk is the individual who shot Mr. Timmons, and hence, the evidence is sufficient to sustain the convictions.

Mr. Monk next contends that because “[t]here was no direct evidence to establish that the two people” observed by Mr. Diaz “communicated with each other or came to an agreement,” the evidence is insufficient to sustain the conviction of conspiracy to commit first degree murder. The State counters that Mr. Monk “has . . . waived the argument,” because “[h]e did not raise this argument as part of his motion for judgment of acquittal.” We agree with the State. In making a motion for judgment of acquittal, a “defendant shall state with particularity all reasons why the motion should be granted,” Rule 4-324(a), and the Supreme Court of Maryland has stated that “[t]he issue of sufficiency of the evidence is not preserved when the defendant’s motion for judgment of acquittal is on a ground different than that set forth on appeal.” *Hobby v. State*, 436 Md. 526, 540 (2014) (internal citation and brackets omitted). Here, Mr. Monk did not argue with particularity that the

evidence is insufficient to sustain the conviction of conspiracy to commit first degree murder because there was no direct evidence to establish that the two people observed by Mr. Diaz communicated with each other or came to an agreement. Hence, we shall not reach the contention.

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