

Circuit Court for Baltimore City
Case No.: 622054006

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 422

September Term, 2022

IN RE: T.J.

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

JJ.

PER CURIAM

Filed: February 13, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

**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.

The Circuit Court for Baltimore City, sitting as a juvenile court, found T.J., appellant, was involved in possession of a regulated firearm by a person under the age of 21. On appeal, T.J. contends the evidence was insufficient to sustain this finding of delinquency. The State agrees. And so do we.

In reviewing whether the evidence was sufficient to find T.J. committed a delinquent act, we must determine whether the evidence, direct or circumstantial, “enabled the trier of fact to be convinced beyond a reasonable doubt that [T.J.] committed the act.” *In re Eric F.*, 116 Md. App. 509, 519 (1997). The standard of review is the same as in a criminal case: “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.” *Id.* (cleaned up).

Under Md. Code Ann., Public Safety § 5-133(d), “a person who is under the age of 21 years may not possess a regulated firearm.” A “regulated firearm” is a “handgun” or one of an enumerated type of assault weapon. Md. Code Ann., Public Safety § 5-101(r). A “handgun” is “a firearm with a barrel less than 16 inches in length” and “includes signal, starter, and blank pistols.” Md. Code Ann., Public Safety § 5-101(n). To meet this definition, the gun must be: (1) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of such a weapon; or (3) an unfinished frame or receiver. Md. Code Ann., Public Safety § 5-101(h)(1). The subsections of § 5-101 are not independent, and the requirements of § 5-101(h)(1) still apply to blank firearms. *See Walker v. State*, 192 Md. App. 678, 687-88 (2010).

Here, even when viewed in the light most favorable to the State, the evidence established that T.J. possessed a blank firearm. But it did not establish the gun expelled, was designed to expel, or could readily be converted to expel a projectile by the action of an explosive. Therefore, the evidence was insufficient to sustain the juvenile court’s finding of delinquency.

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
REVERSED. COSTS TO BE PAID BY
APPELLEE.**