Circuit Court for Prince George's County
Case No. CT210685X

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 988

September Term, 2024

CHRISTOPHER HOLMAN

v.

STATE OF MARYLAND

Nazarian,
Shaw,
Eyler, Deborah S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.

Filed: May 22, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Christopher Holman appeals from his convictions in the Circuit Court for Prince George's County for the murders of Pearris Clark and Eugene Jones. He challenges the admission of certain fingerprint evidence, the circuit court's decision to allow certain rebuttal argument from the State in its closing argument, and a portion of his sentence. The State opposes his first two arguments and agrees with Mr. Holman that his sentence is illegal in part but for a different reason, and the State requests a different correction than Mr. Holman does. Mr. Holman wants part of his sentence vacated; the State argues that two of his terms must be served consecutively rather than concurrently.

We affirm the circuit court on the first two issues and affirm Mr. Holman's convictions. We vacate Mr. Holman's sentence as to Count Six and remand to the circuit court for resentencing and correction of his commitment record.

I. BACKGROUND

On April 18, 2020, Mr. Holman and his friend Uhland Richardson got into a physical fight with three other people in front of a house at 7525 Courtney Place in Hyattsville. The fight took place in the area from the front door of the house to the Hyundai Accent in which the victims had arrived and ended in Mr. Clark and Mr. Jones being shot and killed. Police processed the car for latent prints and found Mr. Holman's fingerprints on the car.

A grand jury indicted Mr. Holman on charges of first-degree murder, second-degree murder, firearm use in a crime of violence, firearm use in a felony, and attempted murder in the first degree, twelve counts in all. Before trial, the State *nolle prossed* six of the twelve

counts.

Mr. Holman's trial lasted five days, starting on October 23, 2023. During the course of the trial, the court admitted testimony and various pieces of physical and documentary evidence, including the latent fingerprints discovered on the victims' car. Mr. Holman objected to the admission of these prints both times they were moved into evidence on authentication grounds: the *first* time, he complained that the sponsoring witness, although present and watching the whole time, was not the person who physically lifted the prints from the car; the *second* time, he complained that the State failed to prove chain of custody. The circuit court overruled his objections both times.

In the State's rebuttal during closing arguments, Mr. Holman objected to a line of argument that, he claimed, shifted the burden of proof to him improperly. The State replied that it was merely responding to Mr. Holman's closing, where he pointed to a hole in the direct evidence, and that the State was asking the jury to fill that hole in the direct evidence with a common-sense inference from the circumstantial evidence presented. The circuit court overruled Mr. Holman's objection.

The jury issued a verdict on the fifth day. The jury found Mr. Holman guilty of second-degree murder and use of a firearm in a crime of violence, against both Mr. Clark and Mr. Jones. They found him not guilty of first-degree murder against either man. Although the indictment contained separate counts for use of a firearm in a felony, which were still live at trial, the verdict sheet failed to list those two counts and the jury never issued a verdict either way on those counts. The circuit court purported to merge the

non-verdict counts into his two convictions for use of a firearm in a crime of violence. Additionally, the circuit court set the sentences for both of his convictions for firearm use in a crime of violence to run concurrently to the sentences for their underlying crimes of violence, *i.e.*, the second-degree murders.

Mr. Holman noted a timely appeal. We supply additional facts below as appropriate.

II. DISCUSSION

Mr. Holman presents three questions for our review, which we have rephrased[1] as follows:

1. Did the circuit court abuse its discretion when it admitted the fingerprint packets?

2. Did the circuit court err when it allowed certain portions of the State's rebuttal argument?

3. Are certain portions of Mr. Holman's sentence illegal and require correction?

We answer no, no, and yes. *First*, the circuit court did not abuse its discretion

[1] Mr. Holman phrased the Questions Presented in his brief as:

1. Did the trial court abuse its discretion by admitting the fingerprint packets into evidence, where the person who actually collected and submitted the prints did not testify?
2. Did the trial court abuse its discretion by overruling [Mr. Holman's] objection to the State's improper closing argument?
3. Must [Mr. Holman's] convictions and/or sentences for use of a firearm in the commission of a felony be vacated?

The State, in turn, phrased its Questions Presented as:

1. Did the trial court properly exercise its discretion when it overruled [Mr.] Holman's chain-of-custody objection to the fingerprint packets?

Continued . . .

admitting the fingerprint evidence because the State authenticated it sufficiently. *Second*, the circuit court did not abuse its discretion when it overruled Mr. Holman's objection to a portion of the State's rebuttal argument because the State's argument did not shift the burden of proof to Mr. Holman. *Finally*, because the verdict sheet omitted two of the charges for which Mr. Holman was indicted, the jury did not convict or even issue a verdict on those two charges, so he couldn't be sentenced for them. But he wasn't: the court merged the non-convicted non-verdict counts into counts that had proper convictions and verdicts and didn't attach any sentence or punishment to the non-convicted counts. Those counts should be corrected in his commitment record to reflect that he wasn't convicted on those counts rather than convictions that were merged, but there is no need to change his sentence in that regard. We agree with the State, though, that certain portions of his sentence must, by statute, be served consecutively rather than concurrently. We vacate his sentence on Count Six and remand for resentencing.

As to the *first* issue, we review challenges to the admission of evidence at trial for abuse of discretion. *See Mooney v. State*, 487 Md. 701, 717 (2024). An abuse of discretion occurs

> where no reasonable person would take the view adopted by the trial court, or when the court acts without reference to any guiding rules or principles. It has also been said to exist when

2. Did the trial court properly conclude that the [State's] closing remained within the bounds of permissible argument, and, even if not, was any error harmless?
3. Should [Mr.] Holman's Commitment [R]ecord be corrected with respect to Counts Three and Five and should the case be remanded for resentencing because his sentence for Count Six is illegal?

> the ruling under consideration appears to have been made on untenable grounds, when the ruling is clearly against the logic and effect of facts and inferences before the court, when the ruling is clearly untenable, unfairly depriving a litigant of a substantial right and denying a just result, when the ruling is violative of fact and logic, or when it constitutes an untenable judicial act that defies reason and works an injustice.

Alexis v. State, 437 Md. 457, 478 (2014) (*quoting North v. North*, 102 Md. App. 1, 13–14 (1994)) (cleaned up).

Second, "[s]ince a burden-shifting claim is an allegation of a violated constitutional right, our review is without deference to the circuit court." *Harriston v. State*, 246 Md. App. 367, 372 (2020)).

Third, a "court may correct an illegal sentence at any time." Md. Rule 4-345(a); *see also Garner v. State*, 442 Md. 226, 250–52 (2015) (parties not required to preserve certain sentencing errors at trial level nor cross-appeal them in order to have them corrected by an appellate court). Correction of an error in the commitment record that doesn't affect the pronounced sentence doesn't invoke Maryland Rule 4-345(a) because it isn't a sentence modification. *See Bratt v. State*, 468 Md. 481, 504–5 (2010) (correction of commitment record to remove credit that was never part of the defendant's sentence was not a sentence modification under Rule 4-345(a)). The court can correct the commitment record at any time. Md. Rule 4-351(b).

A. The Circuit Court Correctly Admitted The Fingerprint Packets Because The State Authenticated Them Adequately.

"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." Md. Rule 5-901(a). One way a party can satisfy this requirement is by establishing a chain of custody. *See* Md. Rule 5-901(b); *Irwin Indus. Tool Co.*, 478 Md. at 678. Mr. Holman contends that the State failed to establish a chain of custody for fingerprint evidence that came in at trial and that the circuit court shouldn't have admitted that evidence over his objections. We disagree.

"'When determining whether a proper chain of custody has been established courts examine whether there is a 'reasonable probability that no tampering occurred.'" *Cooper v. State*, 434 Md. 209, 227 (2013) (*quoting Breeding v. State*, 220 Md. 193, 199 (1959)). "The circumstances surrounding an item of evidence's safekeeping in that condition that is substantially the same as when it was seized in the interim need only be proven as a reasonable probability, and in most instances is established by responsible parties who can negate a possibility of tampering and thus preclude a likelihood that the thing's condition was changed." *Id.* at 228 (*quoting Wagner v. State*, 160 Md. App. 531, 552 (2005)) (cleaned up). Minor gaps in the chain of custody don't compel exclusion of evidence, but provide the non-proponent an opportunity to raise the possibility of tampering of the evidence. *See Jones v. State*, 172 Md. App. 444, 463 (2007); *Cooper*, 434 Md. at 228; *Easter v. State*, 223 Md. App. 65, 74–5 (2015). And "[f]or admissibility purposes, the State is not required to disprove all other possibilities, nor is it required to prove authenticity with absolute certainty." *Sykes v. State*, 253 Md. App. 78, 95 (2021)).

Mr. Holman contends that the circuit court abused its discretion when it admitted a fingerprint packet over his authentication objections. He objected first on the grounds that

the sponsoring witness, Crime Scene Investigator ("CSI") Chelsey Simonds, was not the person who lifted the prints. The court overruled this objection on the grounds that CSI Simonds had personal knowledge of the prints because she was present training and supervising Corporal Kara McMurray, who lifted the prints herself. Mr. Holman presses this same argument on appeal. He objected later to the same fingerprint packet on chain of custody grounds. The circuit court overruled the second objection on the grounds that CSI Simonds had testified that "the prints [were] sealed" when they left the initial processing facility and that Forensic Latent Print Examiner ("FLPE") Keturah Wallace testified they were "still sealed" when she received them.[2] We affirm the circuit court's admission of the packet.

First, CSI Simonds had personal knowledge of the prints because she was present and observed every step Corporal McMurray took when she lifted them. She could and did testify about the packet's condition and identity up to the moment Corporal McMurray sealed it. The fact that she didn't lift these prints personally did not destroy the personal knowledge she gained by her presence and observation. *See* Md. Rule 5-901(b)(1).

As to Mr. Holman's *second* argument, he contends that the State failed to satisfy the chain of custody rule. We disagree there as well because the State elicited testimony

[2] This isn't a fully accurate summation of FLPE Wallace's testimony. The seal she talked about on the stand was her own seal that she applied to the envelope after she was done with her lab examination—the State didn't elicit any direct testimony from her whether or not Corporal McMurray's seal was still on the envelope when it arrived at the Latent Print Unit. That said, we explain below why the testimony and evidence the State *did* elicit sufficed to authenticate the prints.

sufficient to "negate a possibility of tampering and thus preclude[d] a likelihood that the thing's condition was changed." *Cooper*, 434 Md. at 228. The Crime Scene Report write-up on the processing of the Hyundai stated that "[a]ll items were forwarded to the property warehouse for safekeeping" and that "[a]ll lifts were forwarded to RAFIS[3] for further analysis." CSI Simonds testified that Corporal McMurray sealed and signed the exhibit before submitting it to the Latent Print Unit for analysis, as is standard procedure. Another CSI, Corporal Jennifer Booth, testified that under standard procedure, "latent fingerprints that are recovered are automatically sent to our Latent Print Unit for them to examine." And FLPE Wallace, from the Latent Print Unit, examined those prints and recognized them in court when she sponsored their admission for the second time. Plus, when they were admitted the first time, CSI Simonds examined the prints and testified that they did not "appear to have been tampered with in any way[.]" Altogether, this chain of custody evidence, in our view, is sufficient to negate a possibility of tampering. *See Sykes*, 253 Md. App. at 95; *Cooper*, 434 Md. at 227–8.

Given the low evidentiary standard for authenticity, *Sykes*, 253 Md. App. at 95, 97 (that there be sufficient evidence to persuade a reasonable juror by a preponderance of the evidence), and the deferential standard of review for the ultimate admission decision, *see Mooney*, 487 Md. at 717 (abuse of discretion), the bar for reversal here is just too high for Mr. Holman to surmount. A reasonable juror could conclude that the fingerprints FLPE

[3] RAFIS stands for Regional Automated Fingerprint Identification System. The record does not elaborate on what RAFIS does precisely.

Wallace examined were, more likely than not, the same ones CSI Simonds watched Corporal McMurray lift from the car, then seal and send to the Latent Print Unit per standard procedure.

Mr. Holman was welcome to argue to the jury about how non-credible the fingerprint packets were based on any perceived gaps in the chain—for example, that the physical courier between Corporal McMurray and the Latent Print Unit did not themselves take the stand—but those gaps weren't barriers to admission. *See Easter*, 223 Md. App. at 75 (gaps in chain of custody go to credibility rather than authenticity).

B. The State's Rebuttal Closing Did Not Shift The Burden Of Proof.

Second, Mr. Holman contends that during its rebuttal closing, the State sought to shift the burden of proof impermissibly to him. The State justifies its phrasing as asking the jury to draw an inference in its favor from circumstantial evidence and as a fair response to Mr. Holman's closing. We agree with the State. The words used represented a permissible request to fill a hole in the direct evidence that Mr. Holman identified in closing with a favorable inference from the circumstantial evidence, and didn't seek to shift the State's burden of proof.

"[B]urden-shifting claims, made in response to prosecutorial comments on a lack of evidence supporting the defense, are borne out of the defendant's constitutional right to refrain from testifying." *Harriston*, 246 Md. App. at 372. The Supreme Court has given guidance on when the prosecution asks for an inference from circumstantial evidence, and

when the prosecution impermissibly shifts the burden of proof to the defendant:

> Maryland decisional law has interpreted this prohibition [against commenting on a defendant's decision not to testify] to protect defendants from indirect comments as well as direct ones. Indeed, the Court of Appeals has observed that a prosecutor's comment on a defendant's failure to produce evidence to refute the State's evidence might well amount to an impermissible reference to the defendant's failure to take the stand. But even if the comment was not tantamount to one that the defendant failed to take the stand, the Court continued, it might in some cases be held to constitute an improper shifting of the burden of proof to the defendant.
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> The State's comment on the defense's failure to produce evidence, however, will not always amount to impermissible burden-shifting. For instance . . . the State may argue or comment that the unexplained possession of recently stolen goods permits the inference that the possessor was the thief. In fact, the State can even request that the court instruct the jury that such an inference is permissible. *This is because a factual inference in the State's favor, left unrebutted by the defense, does not shift to the defendant a burden either of persuasion or of going forward with evidence.*
>
> But the State may not exceed the bounds of permissibly commenting on the absence of evidence by commenting, instead, directly on the defendant's failure to testify.

Id. at 373 (*quoting Molina v. State*, 244 Md. App. 67, 174–75 (2019)) (cleaned up) (emphasis added).

The prosecution is allowed to ask the jury to draw a reasonable factual inference from circumstantial evidence without shifting any burdens. *See id.* (". . . a factual inference in the State's favor, left unrebutted by the defense, does not shift to the defendant a burden either of persuasion or of going forward with the evidence . . ."); *see also Smith v. State*, 367 Md. 348, 354 (2001) ("In closing argument, lawyers have wide latitude to draw

reasonable inferences from the evidence, and discuss the nature, extent, and character of the evidence")). And that's what happened here. In closing, Mr. Holman described the testimony of FLPE Wallace and pointed out that science can't determine when prints are left on a surface:

> [COUNSEL FOR MR. HOLMAN]: In addition, [FLPE Wallace] was asked when the respective palm prints were left, and you'll recall that her answer was there is no way to determine when a fingerprint or a palm print has been left on any surface. So we have no idea when, what day, what time or where any of the prints on any of the vehicles, which, you know, we're all left to figure out for ourselves which was which, when they were left. And if we don't know when they were left, the significance of their being there is vastly reduced.

In its rebuttal argument, the State responded by asking the jury to draw a common-sense inference about when the prints had most likely been left on the car:

> [COUNSEL FOR THE STATE]: Christopher Holman's prints are on the decedents' vehicle . . . . [Counsel for Mr. Holman] mentioned, oh, you can't tell when the prints are there? Use your common sense. When else would they be put there?
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> * * *
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> You can make that determination.
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> * * *
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> Once again, use your common sense. You can make a determination. You can think when were those prints left there? You heard any reason why? No. Well, I know why they were left there.

Mr. Holman objected to this argument and the circuit court overruled his objection while cautioning the State not to press much harder on that line. Mr. Holman objected on the grounds that the final quoted paragraph shifted the burden to him, *i.e.*, that the prosecution was saying that he needed to prove when else the prints might have gotten on the car. We

disagree with his reading of the transcript.

During its closing, the defense pointed to a hole in the direct evidence to argue that science is incapable of determining when a print is left behind. The State, in response, embraced the hole and asked the jury to fill it with a reasonable factual inference from the circumstantial evidence. The prosecution asked the jury to use its common sense to find that Mr. Holman was probably there and touched the car at the time of the crime.

A request for a common-sense inference from circumstantial evidence does not shift the burden. *See Harriston*, 246 Md. App. at 373. And *Smith v. State*, 367 Md. 348 (2001), where the Supreme Court held that there was burden-shifting, *id.* at 360, provides a helpful contrast. There, the State argued specifically that the defendant had failed to explain why he possessed the allegedly stolen property:

> The Judge has said that you can look backwards in this case. Look to see who ends up with the property and then you can work backwards and here if the recent unexplained possession of stolen property allows you to work backwards to conclude, hey, this guy was the thief, this guy was the burglar. In making that conclusion, ask yourself this. *What explanation* has been given to us *by the defendant* for having the leather goods? Zero, none.

Smith, 367 Md. at 352. The Court held this improper because it pointed at the defendant's silence rather than an absence of evidence overall:

> The prosecutor did not suggest that his comments were directed toward[ ] the defense's failure to present witnesses or evidence; rather, the prosecutor referred to the failure of the *defendant alone* to provide an explanation. The prosecutor's comments were therefore susceptible of the inference by the jury that it was to consider the silence of the defendant as an indication of his guilt, and, as such, the comments clearly

constituted error.

Id. at 358 (emphasis added). Comments that a defendant failed to explain something amounts to burden-shifting, *see id.*, at 358–59, whereas an argument by the State that embraces a hole in the direct evidence *left there by both sides*, then asking the jury to fill that hole with evidence, inference, or common sense doesn't. *See Molina*, 244 Md. App. at 176. When the State says in essence that the defense is right, neither of us has a direct explanation for when those prints got there, but you can infer when they probably did, they're commenting on both sides' failures, not just the defense's. The tipping point comes where the State lays blame for a hole in the evidence solely at the feet of the defendant's failure to fill it. *See Smith*, 367 Md. at 358–59*; Harriston*, 246 Md. App. at 373 ("'But the State may not exceed the bounds of permissibly commenting on the absence of evidence by commenting, instead, directly on the defendant's failure to testify'") (*quoting Molina*, 244 Md. App. at 175). That didn't happen here. The State asked the jury to fill a hole left by both sides with common sense. We discern no legal or constitutional error and affirm the trial court overruling Mr. Holman's objections.

C. The Sentence On Count Six Is Illegal And The Commitment Record Requires Correction.

1. The sentence for Count Six must be served consecutively to the sentence for Count Two.

The State contends that the circuit court erred when it sentenced Mr. Holman on Count Six to ten years of incarceration, all but five suspended, to run concurrently with his sentence on Count Two. It argues that under Md. Code (2002, 2021 Repl. Vol.), § 4-204(c)(2) of the Criminal Law Article ("CR"), any period of incarceration imposed for

Count Six must be served consecutively to the sentence imposed for Count Two. The State is correct.

Mr. Holman was convicted in Counts One and Two of second-degree murder. He was convicted in Counts Four and Six of use of a firearm in a crime of violence (the underlying crimes of violence were the murders). Under CR § 4-204(c)(2), sentences "[f]or each *subsequent* violation" of use of a firearm in a crime of violence "shall be consecutive to and not concurrent with any other sentence imposed for the [underlying] crime of violence . . . ." CR § 4-204(c)(2) (emphasis added). When the same criminal transaction or event contains multiple crimes of violence and each involves use of a firearm, this rule is still triggered because the unit of prosecution for CR § 4-204 is each crime of violence, not the entire criminal transaction. *See Garner*, 442 Md. at 241; *cf. also id.* at 253 (CR § 2-402(c)(2) enhances penalties per violation, not per conviction or per overall criminal transaction). Applying that logic here, Mr. Holman's sentence for Count One, the first murder, and its accompanying use of a firearm in a crime of violence, for Count Four, could run concurrently because Count Four was his first conviction for use of a firearm in a crime of violence. *Compare* CR § 4-204(c)(1)(i)–(ii) *with id.* § 4-204(c)(2). But his sentences for the second murder, Count Two, and the second conviction for use of a firearm in a crime of violence that accompanied it, Count Six, must run consecutively by the plain text of CR 4-204. CR § 4-204(c)(2) ("For each subsequent violation, the sentence *shall* be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony." (emphasis added)). Regardless of which victim Mr. Holman shot first, or how short the

interval between each shot, when he shot the second man Mr. Holman performed a subsequent use of a firearm in a crime of violence.

The court's decision to impose both sets of sentences concurrently is a substantive illegality that can be corrected any time under Md. Rule 4-345(a). *See Garner*, 442 Md. at 251–52. We vacate Mr. Holman's sentence for Count Six (and Count Six alone) and remand for resentencing to reflect the mandatory minimum embodied in CR § 4-204(c)(2).[4] *See* Md. Rule 8-604(d)(2).

2. Mr. Holman's commitment record should not reflect convictions for Counts Three and Five because the jury didn't convict on those counts.

Mr. Holman contends that his sentences for Counts Three and Five are illegal and must be vacated because the jury did not convict him of those counts. He is half right: the jury didn't convict him on those counts, but he wasn't sentenced for them. Instead, the circuit court stated that it was merging those counts into counts on which the jury did convict Mr. Holman. Although this isn't strictly effective—you can't merge a non-convicted count into anything—no substantive legal error comes through in Mr. Holman's sentence because he received no punishment for Counts Three and Five. And the sentences for Counts Four and Six (aside from the errors discussed above) are legal

[4] The State argues as well that CR § 4-204(c)(1)(ii) requires that the mandatory minimum of five years for *any* conviction of use of a firearm in a crime of violence disallows eligibility also for parole during those first five years. Although Mr. Holman's Commitment Record reflects this, the circuit court did not note this during sentencing from the bench—and normally, the transcript controls. *See Douglas v. State*, 130 Md. App. 666, 673 (2000). On remand, the circuit court should note this parole restriction for both Counts Four and Six on the record in order to put it in the transcript.

otherwise.

That said, the ineffective mergers recorded on Mr. Holman's Commitment Record describe convictions for Counts Three and Five even though he was never convicted on those counts. On remand, the circuit court should correct Mr. Holman's commitment record under Md. Rule 4-351(b) to remove Counts Three and Five.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED IN PART, SENTENCE FOR COUNT SIX VACATED, AND CASE REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. APPELLANT TO PAY NINETY PERCENT OF THE COSTS AND PRINCE GEORGE'S COUNTY TO PAY TEN PERCENT.