

Circuit Court for Montgomery County
Case No. 134636C

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1013

September Term, 2019

MENLIK SIRLEAF

v.

STATE OF MARYLAND

Berger,
Leahy,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 17, 2020

*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.

Following a jury trial in the Circuit Court for Montgomery County, Menlik Sirleaf, appellant, was convicted of wearing, carrying, or transporting a handgun on a public school campus; possession of a regulated firearm by a person less than 21 years old; and possession of a regulated firearm by a person with a disqualifying conviction. On appeal, he contends that the trial court erred by failing to either poll the jury or hearken the verdict. The State concedes that the trial court erred in this respect. We agree and shall reverse the judgments of the circuit court.

When a jury is neither polled, nor the verdict hearkened, “the failure to hearken the verdict render[s] the verdict a nullity” even if polling is affirmatively waived by the defendant. *State v. Santiago*, 412 Md. 28, 40-42 (2009). In the instant case, after the jury foreman announced the jury’s verdict, defense counsel did not request the jury to be polled and the verdict was never hearkened. Consequently, the jury verdict is a nullity and reversal is required.

**JUDGMENTS OF THE CIRCUIT
COURT FOR MONTGOMERY
COUNTY REVERSED. CASE
REMANDED FOR A NEW TRIAL.
COSTS TO BE PAID BY
MONTGOMERY COUNTY.**