

Circuit Court for Washington County
Case No. 21-K-16-052976

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1361

September Term, 2020

JAMES LAMBERT, JR.

v.

STATE OF MARYLAND

Kehoe,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 7, 2021

*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 not guilty plea upon an agreed upon statement of facts in the Circuit Court for Washington County, James Lambert, Jr., appellant, was convicted of two counts of possession of a dog with the intent to use the dog in a dogfight and one count of possession of a regulated firearm by a disqualified person. On appeal, he contends that there was insufficient evidence to sustain his convictions. For the reasons that follow, we shall affirm.

In analyzing the sufficiency of the evidence admitted at a non-jury trial to sustain a defendant's convictions, we "review the case on both the law and the evidence," but will not "set aside the judgment ... on the evidence unless clearly erroneous." Maryland Rule 8-131(c). "We review 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." *White v. State*, 217 Md. App. 709, 713 (2014) (internal quotation marks and citation omitted).

Mr. Lambert first contends that there was insufficient evidence that he intended to use the dogs found in his residence for dogfighting. We disagree. The State's evidence showed that the police executed a search warrant at Mr. Lambert's residence and found nine pit bull terriers inside, which Mr. Lambert admitted belonged to him. Several dogs had "excessive scarring" on their face and legs "consistent with staged dogfighting." Dogfighting paraphernalia was also found in the residence, including medical supplies and drugs used to treat injured dogs; various equipment used to train and condition dogs for fighting; and "keeps," which are notes detailing the dogs' training before a match. Moreover, the police recovered dogfighting magazines and DVDs in Mr. Lambert's

bedroom. The State also offered the expert report and opinion of an investigator from the Humane Society, who opined that Mr. Lambert’s home was set up and equipped in a manner consistent with raising dogs for training and fighting. Viewed collectively, this evidence was sufficient to sustain Mr. Lambert’s convictions for possession of a dog with the intent to use the dog in a dogfight.

Mr. Lambert further asserts that there was insufficient evidence to sustain his conviction for possession of a firearm by a disqualified person because the State failed to prove that he possessed either of the firearms found in his residence. Again, we disagree. The State presented evidence that the police found a handgun underneath a couch in Mr. Lambert’s living room. Mr. Lambert told the police that he had found the gun four years ago and had purchased a magazine for it. Based on that evidence, the trial court could reasonably find that Mr. Lambert knowingly exercised dominion and control over the handgun, and therefore, that he possessed it. Consequently, we hold that there was sufficient evidence to sustain Mr. Lambert’s conviction for possession of a handgun by a disqualified person

**JUDGMENTS OF THE CIRCUIT
COURT FOR WASHINGTON
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**