Circuit Court for Prince George's County
Case No. CT210688A

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1424

September Term, 2023

MARIO ALEXANDER CLAROS ARIAS

v.

STATE OF MARYLAND

Shaw,
Kehoe, S.,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kenney, J.

Filed: July 11, 2025

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

A Grand Jury in the Circuit Court for Prince George's County indicted Mario Alexander Claros Arias,[1] appellant, for first-degree murder, second-degree murder, attempted first-degree murder, first-degree assault, and conspiracy to commit first-degree murder. Prior to trial, Claros Arias moved to suppress statements he made to police while in custody. That motion was denied. A jury convicted Claros Arias of attempted first-degree murder, first-degree assault, and conspiracy to commit first-degree murder. He was sentenced to a total term of life imprisonment, with all but sixty-five years suspended.

In this appeal, Claros Arias presents three questions for our review, which we have slightly rephrased as[2]:

1. Did the suppression court err in denying Claros Arias's motion to suppress?

2. Was the evidence adduced at trial sufficient to sustain Claros Arias's conviction of conspiracy to commit first-degree murder?

3. Did the indictment properly charge the offense of conspiracy to commit first-degree murder?

[1] Claros Arias's last name is spelled in various ways in the record, including "Clarios-Arias," "Clarios Arias," and "Claros-Arias." For purposes of this opinion, we will adopt the spelling provided in the Brief of the Appellant.

[2] Claros Arias phrased the questions as:

> 1. Did the circuit court err in denying Appellant's motion to suppress his statements?
>
> 2. Is the evidence insufficient to sustain the conviction for conspiracy to commit murder?
>
> 3. Must Appellant's conviction and sentence for conspiracy to commit murder be vacated because his conviction is based upon an indictment that fails to charge an offense?

For the reasons to follow, we hold that the suppression court did not err in denying Claros Arias's motion to suppress; that the evidence was sufficient to sustain his conviction of conspiracy to commit first-degree murder; and that the indictment properly charged the offense of conspiracy to commit first-degree murder. Accordingly, we affirm.

BACKGROUND

On April 6, 2021, at approximately 10:30 p.m., David Luna and Nelson Ramos were walking through Langley Park in Prince George's County when a group of men approached them. After forcing Luna and Ramos to walk to another part of the park, members of the group bound Luna's and Ramos's hands and physically assaulted them before leaving the scene. Luna survived the assault, but Ramos died from his wounds. Claros Arias was subsequently identified as a suspect in the assault and interviewed by the police. During that interview, Claros Arias admitted to participating in the assault on Luna and Nelson.

Indictment

As previously stated, Claros Arias was charged with first-degree murder of Ramos; attempted first-degree murder of Luna; first-degree assault of Ramos; first-degree assault of Luna; and conspiracy to commit first-degree murder.[3] Each of the charges stated that the crime occurred "on or about the 7th day of April, 2021, in Prince George's County, Maryland[.]" But, unlike the other charges, the conspiracy to commit murder charge did not name a specific victim. In relevant part, that charge stated that Claros Arias "did

[3] Claros Arias's original indictment included two additional charges, but it was subsequently amended to remove those charges.

conspire with [several named individuals] to feloniously, willfully and with deliberately premeditated malice aforethought, commit murder[.]"

Suppression Hearing

Prior to trial, Claros Arias moved to suppress statements he made to the police regarding his involvement in the attack on Luna and Ramos. At the suppression hearing, Prince George's County Police Detective Alexander Gonzalez testified that he and another officer, a Detective Cruz,[4] interviewed Claros Arias at the police station on April 29, 2021. Detective Gonzalez testified that, at that interview, he advised Claros Arias of his *Miranda* rights. After doing so, he asked Claros Arias if he understood those rights to which Claros Arias responded in the affirmative. According to Detective Gonzalez, Claros Arias did not ask for an attorney or indicate that he did not want to speak with the police at any point after that advisement.

An audio/video recording of the interview was then played for the suppression court. At the beginning of the interview, Detective Gonzalez asked Claros Arias for his name and date of birth, and Claros Arias responded with a fake name and fake date of birth. After asking some further questions regarding Claros Arias's place of residence, employment, and educational history, Detective Gonzalez challenged the information Claros Arias had provided. When he did, Claros Arias provided his real name and date of birth. Detective Gonzalez then asked Claros Arias about his mother, and Claros Arias stated that she lived

[4] The detective is identified as "Detective Crews" in the transcript of the suppression hearing, and as "Detective Koons" in the transcript of Claros Arias's interview with the police. According to Claros Arias, the detective's name is "Cruz." For consistency, we will refer to him as Detective Cruz.

in El Salvador with his grandmother and that he sometimes sent her money. When Claros Arias also stated that he had a sister, Detective Gonzalez asked him who in his family he loved most. After Claros Arias identified his mother as that person, Detective Gonzalez asked if his mother and grandmother would be "distressed" or "worried" to find out that he was at the police station. Claros Arias responded in the affirmative and this colloquy followed:

> [DETECTIVE GONZALEZ]: That's why we're here to clear things up, O.K. Ah, I don't know if you have anything to do with my case or not, why you're here. Eh, we're talking with other people. With all the people we talk to, O.K. we have to read them their rights, O.K. then we're gonna clear up to see if you have to do with what we're investigating, O.K.?
>
> [DETECTIVE CRUZ]: (unintelligible)
>
> [DETECTIVE GONZALEZ]: Alright. Ah, I'm gonna read of a letter, I have to read it word for [word], and any question, ask me O.K. your rights as follows:
>
> You have the right to remain silent, if you decide to waive this right, anything you say can be used presented [sic] as evidence against you in court.
>
> You have the right to talk with an attorney before being interrogated and also you have the right to have an attorney present while you are interrogated.
>
> If you would like to have an attorney, but you do not have the economic means to pay for one, an attorney will be provided without any cost.
>
> If you want to answer questions now, without the presence of an attorney, you have the right to stop answering our questions at any time.
>
> Do you understand those rights? I need for you to answer me.

[CLAROS ARIAS[5]]: Right.

[DETECTIVE GONZALEZ]: You do understand.

[CLAROS ARIAS]: Yeah.

[DETECTIVE CRUZ]: A question, why did, did you lie about this information originally?

[CLAROS ARIAS]: Um?

[DETECTIVE CRUZ]: Why did you lie about your name?

[CLAROS ARIAS]: Because I didn't know, I didn't know, I didn't know what was happening.

[DETECTIVE CRUZ]: Oh, we're not immigration.

[CLAROS ARIAS]: No I know, but like (unintelligible) case and since suddenly I don't know.

[DETECTIVE GONZALEZ]: No O.K. I know you, you we shocked you today right? I don't like this, this table. Move a little bit this way [NOISE] [INAUDIBLE] [VOICES] [LAUGH] kid, turn this way, O.K. there we are, we're talking like friends, O.K.?

The interview continued with the detectives asking Claros Arias about where he had been living, if he knew why the police wanted to talk to him, and if he was familiar with certain people. Eventually, the detectives asked Claros Arias about the incident in which the two victims, Luna and Ramos, were attacked with a machete. Claros Arias ultimately admitted to being involved in the attack.

At the conclusion of the suppression hearing, the State argued that Claros Arias's suppression motion should be denied because the evidence showed that he was advised of

[5] In the transcript of the interview, this response is attributed to Detective Cruz, but the recording of the interview clearly indicates that Claros Arias was the person speaking.

his *Miranda* rights and that he voluntarily continued speaking with the police. According to the State, Claros Arias validly waived his *Miranda* rights.

Defense counsel acknowledged that the *Miranda* rights had been read to Claros Arias, but argued that the detectives had pressured Claros Arias prior to reading him his rights and did not give him a meaningful opportunity to waive his rights. According to defense counsel, the detectives had effectively "vitiate[d] *Miranda*" because "you can't just read someone their rights and then say, but honestly, this is confidential, you know."

The suppression court denied Claros Arias's motion, finding that the totality of the circumstances did not support defense counsel's argument that Claros Arias had been pressured by the detectives. According to the court, the evidence showed that Claros Arias was advised of his rights and that he indicated, multiple times, that he understood those rights.[6]

Trial

At trial, the surviving victim, Luna, testified that, in the evening hours of April 6, 2021, he and the other victim, Ramos, were walking through Langley Park when "some men" approached them. The men ordered them to stop walking, which they did, then the men asked "what gang [they were] in." When Luna and Ramos refused to answer, the men took both of their cell phones. Looking at the photographs on each phone, the men found a photo that showed Ramos "throwing up a hand sign" for "a gang called 'Maple.'" They

[6] Claros Arias suggests that the "multiple times" finding was erroneous because, according to the transcript of his interview with the police, he acknowledged understanding his rights only once. The recording of Claros Arias's interview clearly shows that he indicated his understanding multiple times and that the transcript is incorrect.

then ordered Luna and Ramos to walk to a different part of the park. Once there, the men began kicking Luna and Ramos in the head and threatening them with a BB gun. At one point, one of the men shot Ramos in the head with the BB gun. They then moved Luna and Ramos to another part of the park. There, they had Luna and Ramos remove their shirts, with which they bound Luna's and Ramos's wrists. While Luna and Ramos were bound, the men took turns hitting and stabbing them with a machete. Luna testified that he and Ramos were stabbed "multiple" times by "multiple people." Once the men stopped the assault, they left the park. When they did, Luna checked on Ramos and discovered that he was dead. Luna then left the park "to go get help." Luna testified that, as a result of the attack, he now has multiple scars on his head, hands, arms, back, and legs. An autopsy of Ramos revealed his death was the result of "[m]ultiple sharp injuries and blunt injuries."

The State also played for the jury a recording of Claros Arias's interview with the police following the attack on Luna and Ramos. During that interview, Claros Arias admitted being in the park on the night of the attack and that he was among the group of men who were looking at the pictures on Luna's and Ramos's phones. According to Claros Arias, he and the other members of the group then walked with Luna and Ramos to another part of the park where "they stabbed them." He expressly added: "All of them, all of them participated, even I participated." More specifically, Claros Arias testified he "used a small machete" and "hit" one of the victims three times. Claros Arias stated that he and the other assailants were members of the same "clique" and that he was "just a simple soldier[.]"

The jury convicted Claros Arias of attempted first-degree murder of Luna, first-degree assault of Luna, and conspiracy to commit first-degree murder. This timely appeal followed. We will provide additional facts as needed in the discussion below.

DISCUSSION

I.

Parties' Contentions

Claros Arias contends that the suppression court erred in denying his motion to suppress his statements regarding his involvement in the attack on Luna and Ramos because the totality of the circumstances surrounding that interview with police do not support a valid waiver of his *Miranda* rights. First, Claros Arias argues that, prior to reading the *Miranda* warnings, the interviewing detectives "minimized the significance of the warnings" by questioning him extensively about his family and loved ones and then implying that the warnings were merely a "preliminary ritual." Second, the detectives, after reading the warnings, did not give him a meaningful opportunity to invoke his rights before interrogating him about why he initially provided a false name and date of birth. Third, by telling him after giving the warnings that they were "talking like friends," the detectives subverted the warnings. That statement, in his view, is an improper promise of confidentiality.[7]

[7] The State contends that this argument was unpreserved because Claros Arias did not make the argument at the suppression hearing. We disagree. Although the argument was not the focal point of defense counsel's motion, defense counsel raised the issue in arguing the motion before the suppression court.

The State, contending that the suppression court properly denied Claros Arias's motion, argues that Claros Arias had ample opportunity to invoke his rights after the *Miranda* warnings and that nothing the detectives said or did had the effect of minimizing or subverting those rights.

Standard of Review

"Our review of a circuit court's denial of a motion to suppress evidence is limited to the record developed at the suppression hearing." *Pacheco v. State*, 465 Md. 311, 319 (2019) (citation and quotation marks omitted). "[W]e view the evidence presented at the [suppression] hearing, along with any reasonable inferences drawable therefrom, in a light most favorable to the prevailing party." *Davis v. State*, 426 Md. 211, 219 (2012). "We accept the suppression court's first-level findings unless they are shown to be clearly erroneous." *Brown v. State*, 452 Md. 196, 208 (2017). "We give no deference, however, to the question of whether, based on the facts, the trial court's decision was in accordance with the law." *Seal v. State*, 447 Md. 64, 70 (2016). Where there is a constitutional challenge, "we must make an independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case." *State v. Johnson*, 458 Md. 519, 532-33 (2018) (citations and quotation marks omitted).

Analysis

In *Miranda v. Arizona*, 384 U.S. 436 (1966), the Supreme Court of the United States held that the police must "advise criminal suspects of their rights under the Fifth and Fourteenth Amendments before commencing custodial interrogation." *Lee v. State*, 418 Md. 136, 149 (2011) (citations and quotation marks omitted). This advisory, referred to as

the "*Miranda* warnings," requires persons subjected to custodial interrogation be informed that they have "'the right to remain silent, that anything [they] say[] can be used against [them] in a court of law, that [they have] the right to the presence of an attorney, and that if [they] cannot afford an attorney one will be appointed for [them] prior to any questioning if [they] so desire[].'" *Reynolds v. State*, 461 Md. 159, 178 (2018) (quoting *Miranda*, 384 U.S. at 479). "If the warnings are not given or the police officers fail to respect the person's proper invocation of their rights, 'the prosecution may not use statements, whether exculpatory or inculpatory, stemming from the custodial interrogation of the defendant.'" *Vargas-Salguero v. State*, 237 Md. App. 317, 336 (2018) (cleaned up) (quoting *Miranda*, 384 U.S. at 474).

Once apprised of these warnings, a person has "the right to invoke the constitutional safeguards or waive them and engage with law enforcement." *Reynolds*, 461 Md. at 178. To be valid, any waiver of those rights must be "knowing, intelligent, and voluntary[.]" *Madrid v. State*, 474 Md. 273, 310 (2021). The burden falls on the State to prove by "a preponderance of the evidence a knowing, intelligent, and voluntary waiver of the defendant's rights under *Miranda*." *Id.*

To evaluate whether the State has met its burden, we consider the particular facts and circumstances of the case under review. *Gonzalez v. State*, 429 Md. 632, 651 (2012). That is, "[t]he adequacy of a suspect's waiver of the *Miranda* rights 'is not one of form, but rather whether the defendant *in fact* knowingly and voluntarily waived the rights delineated in the *Miranda* case.'" *Id.* (quoting *North Carolina v. Butler*, 441 U.S. 369, 373 (1979)). That inquiry involves two distinct considerations:

> First, the relinquishment of the right must have been voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception. Second, the waiver must have been made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it. Only if the totality of the circumstances surrounding the interrogation reveals both an uncoerced choice and the requisite level of comprehension may a court properly conclude that the *Miranda* rights have been waived.

Madrid, 474 Md. at 310 (cleaned up) (quoting *Gonzalez*, 429 Md. at 652).

Moreover, "after proper warnings and a knowing, intelligent, and voluntary waiver, the interrogator may not say or do something during the ensuing interrogation that subverts those warnings and thereby vitiates the suspect's earlier waiver by rendering it unknowing, involuntary, or both." *Lee*, 418 Md. at 151. Any such action on the part of the police would violate *Miranda* and requires "suppression of any statements the suspect makes thereafter during the interrogation." *Id.* at 151-52.

Against that legal backdrop, we hold that the suppression court did not err in denying Claros Arias's motion to suppress his statements to the police. First, we do not agree with Claros Arias's contention that the detectives minimized the importance of the *Miranda* warnings either prior to or while advising Claros Arias of his rights. Detective Gonzalez made clear that he was required to advise Claros Arias of his *Miranda* rights, that he had to recite those rights "word for word," and that Claros Arias should feel free to ask any questions about those rights. Then, after fully advising Claros Arias of the required *Miranda* warnings and emphasizing that Claros Arias was required to respond, Detective Gonzalez asked if Claros Arias understood those rights. After Claros Arias responded affirmatively that he understood the rights, Detective Gonzalez asked him again if he did,

and Claros Arias again stated that he understood. Clearly, the importance of the *Miranda* rights were properly conveyed by Detective Gonzalez and Claros Arias clearly understood those rights.

As to Claros Arias's claim that he lacked a meaningful opportunity to invoke his rights, we are not persuaded. As indicated, Detective Gonzalez asked Claros Arias twice if he understood his rights, and both times Claros Arias affirmatively acknowledged that he did without any questions. At that point, Claros Arias could have invoked his rights by simply remaining silent and not continue to answer the detectives' questions. Nothing in the record indicates that he did not do so freely and voluntarily; that he did not fully understand his rights; or that he was coerced or pressured into continuing to do so. Although the detectives first confronted Claros Arias about giving a false name when the interview began, it was fifteen to twenty minutes later before the detectives questioned him about the attack on Luna and Ramos, and several more minutes passed before he made any incriminating statements. In short, there was ample time for Claros Arias to invoke his *Miranda* rights.

Nor are we persuaded that the *Miranda* warnings were subverted by Detective Gonzalez's statement to Claros Arias that they were "talking like friends" while repositioning their chairs so that they were facing one another. Based on the interview recording, this appears to have been done to create a more relaxed atmosphere to calm any potential "immigration" concerns that Claros Arias may have. The "talking like friends" comment was an obvious reference to how the participants were seated and not whether or how any conversation between them would be used by the police. Because that statement

was made right after Detective Gonzalez's recitation of Claros Arias's *Miranda* rights, during which Claros Arias was told that anything he said could be used against him in court, no reasonable person in Claros Arias's position would interpret it to be a promise of confidentiality. In addition, it was very different from the statements at issue in the cases cited by Claros Arias. *Cf. Lee*, 418 Md. at 156-57 (holding that the police had subverted a prior *Miranda* warning by telling a suspect that: "This is between you and me, bud. Only me and you are here, all right? All right?"); *State v. Stanga*, 617 N.W.2d 486, 490-91 (S.D. 2000) (holding that the police had subverted a prior *Miranda* warning by telling the suspect "twelve times that what was said during the interrogation was between the two of them").

In sum, we conclude that Claros Arias's decision to talk to the detectives was a deliberate and voluntary waiver of his *Miranda* rights, made with a full understanding of those rights, and the consequences of abandoning them; and that the police did not do or say anything that could reasonably be understood as a promise of confidentiality or otherwise subvert the *Miranda* warnings. Therefore, we hold that the suppression court did not err in denying Claros Arias's motion to suppress. *See Berghuis v. Thompkins*, 560 U.S. 370, 385-87 (2010) (holding that, where a suspect knowingly and voluntarily makes a statement to police following *Miranda* warnings, doing so constitutes a waiver of the suspect's right to remain silent).

II.

Parties' Contentions

Claros Arias contends that the evidence adduced at trial was insufficient to sustain his conviction of conspiracy to commit first-degree murder. More particularly, he asserts

that there was no evidence of an express agreement or promise of mutual assistance by the assailants and no evidence demonstrating his specific intent to form an agreement to murder Ramos or Luna.

The State, contending that the evidence was sufficient, argues that evidence of an express agreement is not required to prove intent and that, here, evidence that Claros Arias and the other assailants were "acting in concert" was sufficient to establish the requisite intent.

Standard of Review

"The standard for appellate review of evidentiary sufficiency is 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." *Scriber v. State*, 236 Md. App. 332, 344 (2018) (citation and quotation marks omitted). In making this determination, we are not "required to determine 'whether [we] believe[] that the evidence at the trial established guilt beyond a reasonable doubt.'" *Roes v. State*, 236 Md. App. 569, 583 (2018) (quoting *State v. Manion*, 442 Md. 419, 431 (2015)). To do so would involve weighing "the credibility of witnesses and resolving conflicts in the evidence[,]" which are matters "entrusted to the sound discretion of the trier of fact." *Scriber*, 236 Md. App. at 344 (citation and quotation marks omitted). Therefore, we "defer to any possible reasonable inferences the [fact-finder] could have drawn from the admitted evidence and need not decide whether the [fact-finder] could have drawn other inferences from the evidence, refused to draw inferences, or whether we would have drawn different inferences from the evidence." *Fuentes v. State*, 454 Md. 296, 308 (2017). In other words,

"the limited question before an appellate court is not whether the evidence *should have or probably would have* persuaded the majority of fact finders but only whether it *possibly could have* persuaded *any* rational fact finder." *Scriber*, 236 Md. App. at 344 (citation and quotation marks omitted).

Analysis

A conspiracy occurs when two or more persons combine or agree "to accomplish some unlawful purpose, or to accomplish a lawful purpose by unlawful means." *Savage v. State*, 226 Md. App. 166, 174 (2015). "When the object of the conspiracy is the commission of another crime, . . . the specific intent required for the conspiracy is not only the intent required for the agreement but also, pursuant to that agreement, the intent to assist in some way in causing that crime to be committed." *Mitchell v. State*, 363 Md. 130, 146 (2001). Because the essence of a criminal conspiracy is the unlawful agreement, the crime "is complete when the agreement to undertake the illegal act is formed." *Savage*, 226 Md. App. at 174. That agreement "'need not be formal or spoken, provided there is a meeting of the minds reflecting a unity of purpose and design.'" *Sequeira v. State*, 250 Md. App. 161, 204 (2021) (cleaned up) (quoting *Molina v. State*, 244 Md. App. 67, 168 (2019)). "A conspiracy may be shown through circumstantial evidence, from which a common scheme may be inferred." *Hall v. State*, 233 Md. App. 118, 138 (2017). For example, "[i]f two or more persons act in what appears to be a concerted way to perpetrate a crime, we may . . .

infer a prior agreement by them to act in such a way." *Jones v. State*, 132 Md. App. 657, 660 (2000).

Here, the evidence adduced at trial established that Luna and Ramos, while walking through a park, were accosted by a group of men who inquired about their gang affiliation. When they did not respond, the men took Luna's and Ramos's phones and scrolled through the photographs, eventually discovering a photo depicting Ramos "throwing up a hand sign" for "a gang called 'Maple.'" The men then ordered Luna and Ramos to a different part of the park where, after binding their wrists, the men took turns hitting and stabbing Luna and Ramos multiple times. Eventually, the men stopped and left the park. As a result, Ramos died.

Claros Arias admitted to the police that he was in the park that night and was one of the group of men looking at the photos on Luna's and Ramos's phones. Claros Arias further admitted that he and the others walked with Luna and Ramos to another part of the park where he, using "a small machete," "hit" one of the victims three times. According to Claros Arias, "all of them participated" in the assault, and, afterwards, he and several of the others left the scene together in the same vehicle. According to Claros Arias, he and the others were members of the same "clique," of which he was "just a simple soldier[.]"

We hold that the evidence was sufficient to sustain Claros Arias's conviction of conspiracy to commit first-degree murder. The evidence viewed in a light most favorable to the State supports a reasonable inference that the assailants, Claros Arias included, agreed to murder one or both of the victims upon discovering evidence suggesting that one of the victims was affiliated with a gang. They then effectuated that agreement by

concertedly and deliberately forcing Luna and Ramos to another part of the park and then taking turns hitting the two victims and stabbing them with a machete. Evidence of a "formal" or "express" agreement was not required because their concerted actions reflected a meeting of the minds from which the agreement could be inferred.

III.

Parties' Contentions

Claros Arias contends that his conviction and sentence for conspiracy to commit murder must be vacated because the indictment failed to properly charge that offense. He posits that, under § 1-203 of the Criminal Law Article ("CR") of the Maryland Code, charging conspiracy to commit murder requires naming the victim of the alleged conspiracy. He argues that the circuit court was deprived of jurisdiction to render a verdict or impose a sentence on that charge because the indictment failed to name the victim. In the alternative, he asserts that his conviction and sentence should be vacated as an illegal sentence under *Johnson v. State*, 427 Md. 356 (2012), a case in which our Supreme Court held that a defendant's sentence for assault with intent to murder was illegal because that crime was not contained in the indictment.

The State, contending that conspiracy to commit murder was properly charged, argues that the use of the short-form indictment in CR § 1-203 is not mandatory. And, because the other charges in the indictment provided adequate notice of the alleged victim or victims of the conspiracy, the court was not deprived of jurisdiction for failing to name the victim. For that reason, it further argues that Claros Arias's reliance on *Johnson v. State*

is misplaced because, unlike in that case, the crime at issue in this case was contained in the indictment.

Standard of Review

Whether a charging document charges a cognizable offense is an issue of law that we review *de novo*. *Shannon v. State*, 468 Md. 322, 335 (2020).

Analysis

Under CR § 1-203, "[a]n indictment or warrant for conspiracy is sufficient if it substantially states: '(name of defendant) and (name of co-conspirator) on (date) in (county) unlawfully conspired together to murder (name of victim) (or other object of conspiracy), against the peace, government, and dignity of the State."' Because the indictment did not include the "name of victim," Claros Arias argues that the indictment failed to charge a cognizable offense, which deprived the circuit court of jurisdiction.

To be sure, "'a court is without power to render a verdict or impose a sentence under a charging document which does not charge an offense within its jurisdiction prescribed by common law or by statute.'" *Edmund v. State*, 398 Md. 562, 570 (2007) (quoting *Williams v. State*, 302 Md. 787, 791 (1985)). We are not aware of any case with these precise facts, but other authority indicates that failing to name the conspiracy victim in the charging document is not necessarily a jurisdictional defect. It is not necessary that all of "the essential elements . . . be set forth in the charging document," so long as enough is alleged '"to invest the circuit court with power to proceed to trial[,]'" *Campbell v. State*, 325 Md. 488, 495 (1992) (quoting *State v. Chaney*, 304 Md. 21, 26 (1985)), and to "provide the defendant with notice of the nature of the charge and of the basic facts supporting the

elements of that charge." *Shannon*, 468 Md. at 336. An indictment or other charging document need not "be flawless to vest a court with jurisdiction to adjudicate the charge[.]" *Id.*

The question here is whether the indictment sufficiently described the charged crime of conspiracy to commit first-degree murder to invest the circuit court with the power to proceed to trial on that charge and to provide the defendant in the case with notice of the nature of the charge and the facts supporting the charge's basic elements. Claros Arias would have us answer that question in the negative because the indictment did not strictly comply with CR § 1-203 by including the name of the victim.

The statute's plain language and caselaw, however, do not support that position. To begin, the plain language of CR § 1-203 does not suggest that the General Assembly intended it to be the exclusive method for charging the crime of conspiracy. It simply states that an indictment that "substantially" complies with the statutory language will be "sufficient."

Furthermore, Maryland's appellate courts have long held that specific details regarding the object of a conspiracy are generally not necessary for an indictment to sufficiently to charge the crime of conspiracy. "It is well settled that, in order validly to charge conspiracy, a charging document must allege both the fact of the conspiracy and its object." *Campbell*, 325 Md. at 496. But, "an indictment for criminal conspiracy need not set out the crime conspired at with the specificity required of an indictment for [the] consummated crime itself." *Rudder v. State*, 181 Md. App. 426, 438 (2008). Instead, "'it is only necessary for the indictment to show that the purpose of the conspiracy is criminal

or unlawful.'" *Id.* (cleaned up) (quoting *Garland v. State*, 112 Md. 83, 86-87 (1910)). This is because the crime of conspiracy is not accomplishing the unlawful object, or "doing the acts by means of which the desired end is to be attained[.]" *Id.* (cleaned up). Rather, it is "the unlawful combination and agreement" of the participants "for any purpose that is unlawful or criminal." *Id.* (cleaned up); *see also Campbell*, 325 Md. at 497 (noting that "the offense of which the accused is required to be informed is the conspiracy, rather than the crime which is its object"). Therefore, when the object of the alleged conspiracy is itself a crime, an indictment naming the conspiracy and identifying the crime that is the object of that conspiracy charges a cognizable crime and vests the court with jurisdiction. *See Campbell*, 325 Md. at 501-03 (holding that the crime of conspiracy was properly alleged where the indictment stated that the object of the conspiracy was "to violate the controlled dangerous substances law of the State of Maryland" (cleaned up)). The indictment in this case did that.

In a different context, our Supreme Court has considered and rejected an argument similar to the one raised by Claros Arias. In *Edmund v. State*, the defendant, Anson Edmund, was convicted of first-degree assault. *Edmund*, 398 Md. at 564. Because the victim was never identified, the indictment in that case had alleged that Edmund "did unlawfully assault unknown/John Doe in the first degree[.]" *Id.* at 567. On appeal, Edmund argued that the trial court lacked jurisdiction to render a verdict or impose a sentence based on the indictment's failure to comply with CR § 3-206, which stated that an indictment for assault is sufficient if it substantially states, among other things, the "name of victim." *Id.* at 570-72. The Supreme Court rejected that argument and held that the charge of first-

degree assault was sufficiently alleged. *Id.* at 570-77. According to the Court, CR § 3-206 was "not intended to be exclusive, or to deny legal sufficiency to charging documents that do not strictly follow the suggested form." *Id.* at 572. The Court also noted that, historically, identification of a victim by name, "was not a fundamental jurisdictional requirement nor a pleading defect resulting in dismissal." *Id.* at 572. In addition, it stated that the indictment satisfied Article 21 of the Maryland Declaration of Rights in that it put Edmund on notice of the crime and conduct he was called upon to defend; protected him from future prosecution; enabled him to prepare for trial; provided a basis for the court to consider the legal sufficiency of the charging document; and informed the court of the crime charged so that the court could render an appropriate sentence. *Id.* at 576-77.

We are persuaded that the indictment in this case was sufficient to state a cognizable crime and to vest the trial court with jurisdiction. It identified the fact of the conspiracy, i.e., that Claros Arias conspired with other named individuals on or about April 7, 2021, and of the conspiracy's object, i.e., "to feloniously, willfully and with deliberately premeditated malice aforethought, commit murder[.]" The object of the conspiracy – first-degree murder – was a crime and, by itself, was a sufficient statement of the conspiracy's object. *See Campbell*, 325 Md. at 496 ("When the object of a conspiracy is the commission of a crime, alleging that fact in the charging document obviously would be a sufficient statement of the conspiracy's object."). Additional specifics, such as the victim's name, were unnecessary for jurisdictional purposes. *See Denicolis v. State*, 378 Md. 646, 662 (2003) (noting that identifying the victim of the crime is ordinarily not a jurisdictional requirement). Although CR § 1-203 includes the name of the victim as it did in the statute

at issue in *Edmund*, there is no indication that the General Assembly intended for CR § 1-203 to be the only way to charge a criminal conspiracy.

The overall indictment clearly indicates that the conspiracy charge related to the events surrounding the assault on Luna and Ramos, and in doing so, identified the victims as Luna and Ramos. Thus, it provided ample notice of the crime and the conduct that Claros Arias was called upon to defend; it protected him from future prosecution for the charged offenses; and it enabled him to prepare for trial. In addition, it informed the court of the crime charged so that the court could consider the legal sufficiency of the charging document and render an appropriate sentence. In short, the indictment met Maryland constitutional standards.

We hold that the indictment properly charged the crime of conspiracy and vested the circuit court with jurisdiction to render a verdict and impose a sentence. Because the indictment charged a cognizable crime, Claros Arias's conviction and sentence were not illegal under the holding in *Johnson v. State*. *See Johnson*, 427 Md. at 362 (holding that a defendant's sentence for assault with intent to murder was illegal "because that crime was not contained in the indictment returned by the Grand Jury").

JUDGMENTS OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANT.