

Circuit Court for Baltimore City
Case No. 123080002

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1594

September Term, 2024

DARRIES SOMMERVILLE

v.

STATE OF MARYLAND

Nazarian,
Reed,
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.

Filed: June 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).

Darries Sommerville appeals from his convictions in the Circuit Court for Baltimore City for murder and related crimes. He challenges the circuit court’s decision to allow a detective to narrate portions of admitted surveillance footage and the sufficiency of the evidence presented at trial. We affirm.

I. BACKGROUND

In the late afternoon to early evening of July 31, 2022, passers-by, and later police, discovered Trevon Williams bleeding from a gunshot to the back of the head on the 3500 block of Mannasota Avenue in Baltimore City. He would die from that injury. The State indicted Mr. Sommerville in the Circuit Court for Baltimore City on the following charges: murder, first degree; use of a firearm in the commission of a felony or crime of violence; firearm possession with a disqualifying conviction; and handgun on person. After a three-day trial the jury convicted Mr. Somerville on all four counts. The circuit court sentenced him to life for Count I—first degree murder; ten years, first five without parole, consecutive to Count I, for Count II—use of a firearm in the commission of a crime of violence; and five years without parole, consecutive to Count II, for Count III—possession of a firearm with a disqualifying conviction and found that Count IV—wear or carry of a handgun on person—merged with Count II. He noted a timely appeal.

Because Mr. Sommerville challenges the sufficiency of the evidence to sustain his convictions, we recount the evidence presented at trial.

A. Technician Sanders

The *first* witness was crime scene technician Franklin Sanders, Jr. Technician

Sanders responded to the scene of Mr. Williams’s shooting and collected and documented evidence. He sponsored the admission of various photos he took at the scene on arrival. He described some of the physical evidence he recovered or documented: a knife, a lighter, a set of keys, some shoes, a pair of sweatpants, a pack of cigarettes, a bookbag, a package of suspected drugs inside the bookbag, a pool of suspected blood, and a juice bottle containing what appeared to be human urine. The State asked him to elaborate on why he felt initially that the bottle of urine was significant, and Technician Sanders said he thought initially that it might have been left by a suspect, but then thought that it was left more likely by a passer-by. He elaborated later that the clothing items, shoes, and sweatpants came from the victim. He testified that when he arrived on the scene, Emergency Medical Services had taken Mr. Williams to the hospital already. Technician Sanders explained and sponsored the admission of firearms evidence, including a “40-caliber” cartridge casing found on the scene. He sponsored the admission of the knife and Mr. Williams’s sweatpants and shoes. Technician Sanders also identified Mr. Williams’s bookbag, but it was never admitted. He testified that he handed the suspected drugs and Mr. Williams’s phone to other police to be processed separately.

Technician Sanders went on to describe and sponsor the admission of his rough draft crime scene sketch. He explained that he drew a rough yet “accurate representation of the scene on the night in question documenting evidence in relationship to landmarks.”

On cross, Technician Sanders testified that a Detective Hohenstein (who testified later, see below) was the “primary detective” for the investigation. He also testified that

not all of the crime scene photos he took that day were offered by the State, only four out of thirty-eight. Technician Sanders admitted as well that based on one of the photos the State had offered, his rough draft crime scene sketch might not have captured all the alleyways around the scene of the crime. The defense also emphasized the presence of the urine bottle and pressed Technician Sanders on why he had dismissed it. He testified that police did in fact recover the bottle but never “tested” it.

B. Mr. Boyd

Robert Boyd testified *second*, at the start of the second day of trial. Mr. Boyd lives at the corner of Lake and Mannasota. He testified that on the day of the shooting, he was standing in his kitchen when he heard a “pop and popping sound.” He “looked to [his] left and [saw] someone running.” The figure wore a “[b]lack sweatsuit, black and white sweatsuit, black hat.” The State had Mr. Boyd sponsor the admission of a Google map screenshot of the neighborhood. The State used this map throughout the trial to illustrate the events leading up to the shooting and the shooting itself and also used the map later to explain various shots of security footage it offered into evidence.

Mr. Boyd testified that the figure he saw ran down Mannasota and that he did not see anyone else running at that time. He also sponsored the admission of another still photo from the crime scene, pointed out where his house was located in that photo, and marked where he was standing when he heard the noise and saw the figure running.

On cross-examination, Mr. Boyd testified that the figure had on an “all black sweat suit . . . [w]ith white going down the sleeves . . . [a]nd . . . legs.” He testified that he had

only looked in one direction and couldn't tell if anyone else was running the other way.

C. Dr. Ali

Doctor Zabiullah Ali testified *third*. Dr. Ali is an Assistant Medical Examiner for the State of Maryland and performed an autopsy on Mr. Williams's body. The court accepted Dr. Ali without objection as an expert in the area of forensic pathology. Dr. Ali sponsored the admission of the autopsy report as well as photos taken of Mr. Williams's body during the course of the autopsy.

Dr. Ali observed a gunshot wound to the back of Mr. Williams's head. The doctor testified that the margins of the wound were "sea[r]ed [sic]," which means the heat of the bullet exiting the muzzle burnt the skin as it entered the body. Dr. Ali observed "gunpowder stippling," marks left on the skin from gunpowder ejected out of the muzzle of the gun, also. The doctor opined that these two details were consistent with the barrel being placed against the skin when the gun was fired, a point-blank shot. Dr. Ali testified to having observed "skull fractures in addition to significant injuries to the back portion of the brain" during internal examination.

Dr. Ali observed other injuries also, namely scrapes on the face and a "skin avulsion," a skin tear inconsistent with a knife injury, on the right middle finger. The doctor testified that a toxicology screen showed morphine in Mr. Williams's system that had been administered by the hospital during attempted life-saving measures. Dr. Ali finished direct examination by opining that Mr. Williams's death was a homicide by gunshot wound to the back of the head.

On cross, Dr. Ali allowed that the injuries observed didn't prove definitively that the gunshot was administered completely barrel-to-skin, but that a gap, if any, would have been quite small. Dr. Ali testified that based on the severity of the wound, Mr. Williams would almost certainly have fallen within a few steps and that the scrapes on his face would have been consistent with such a fall.

On redirect, Dr. Ali clarified that the “searing” on the edges of the wound indicated that at least some part of the muzzle was touching Mr. Williams's skin when the gun was fired.

D. Ms. Bridgeforth

Mr. Sommerville's mother, Chantrel Bridgeforth, testified next. She identified him in court first, then testified that she had identified her son before in a screenshot of security footage from an Exxon station near the scene of the crime that had been filmed earlier that same day. The State had her sponsor the admission of that same screenshot and she repeated her identification of Mr. Sommerville in the picture. She also testified that she gave a detective her son's cell number.

E. Sergeant Wiczulis

Then Detective Sergeant Joseph Wiczulis testified. Assigned to the Cyber and Electronic Crimes Unit of the Baltimore City Police Department (“BCPD”), Sergeant Wiczulis handles electronic forensics, including the extraction of digital data from technology. Sergeant Wiczulis examined Mr. Williams's cell phone and extracted calls and text messages from the day of his death. Sergeant Wiczulis sponsored the admission of call logs, including calls and text messages, from the day of the homicide taken from the phone.

On cross, Sergeant Wiczulis clarified how to read the dense and possibly confusing-to-the-jury logs.

F. Detective Jimenez

Detective Emmanuel Jimenez testified *next*. Detective Jimenez served almost exclusively to sponsor surveillance footage he had pulled in the course of the investigation. He sponsored surveillance footage pulled from the Civics Works building at 3501 Brehms Lane. The circuit court admitted the footage without objection as State’s Exhibit 15. On cross, Detective Jimenez testified that sometimes surveillance systems can timestamp videos incorrectly. On redirect, however, he testified that in his experience such errors tended to be rare.

G. Officer Doyle

After a brief recess, Officer Gary Doyle took the stand. Officer Doyle was on patrol on the day of the shooting and was the first police officer on the scene after a passer-by called 911 to report Mr. Williams’s body. He testified that he encountered Mr. Williams’s body and a few bystanders nearby. He observed a pocketknife and bookbag near the decedent. He testified that he secured the crime scene as the primary patrol officer, made sure that the “supervisor’s enroute,” and began the preliminary investigation. He started a crime scene log and observed Emergency Medical Services (“EMS”) moving Mr. Williams’s backpack and knife to the side slightly in order to try administering emergency aid. Officer Doyle testified also that police recovered marijuana from Mr. Williams’s backpack. He sponsored the admission of his body camera footage (without audio to avoid any potential hearsay issues) from him responding to the scene. The State published the

footage to the jury while Officer Doyle narrated the street layout shot in the body camera footage. On cross-examination, Officer Doyle testified that the pocketknife found near the victim was open when he first observed it on the scene; he offered that clarification after reviewing a crime scene photo already admitted into evidence to refresh his memory.

H. Detective Hohenstein

Next, Detective Randolph Hohenstein testified as the State's lead witness. Detective Hohenstein, who was assigned to the BCPD's Homicide Unit, served as the primary detective and performed much of the investigation into Mr. Williams's homicide. Among other testimony, Detective Hohenstein narrated as the State played various clips of surveillance footage, tracing the activities and travel of Mr. Sommerville and Mr. Williams in the time leading up to the latter's homicide. In essence, the State used Detective Hohenstein to tie everything together.

First, Detective Hohenstein testified about what he saw on arriving at the scene. After police processed the immediate scene of the crime, Detective Hohenstein began canvassing the neighborhood for witnesses and cameras. He found no witnesses that night but noted cameras to investigate. He noted that police had the knife tested for DNA and that only Mr. Williams's DNA was identified in the report. He testified that although Mr. Williams's phone was locked, police were able to identify the number associated with that phone by placing an emergency call to 911 and having the dispatcher report the incoming number. With that information, they were able to perform cell record searches. Those records revealed calls made to a phone number around the time of the crime, a number that

Ms. Bridgeforth had testified as belonging to Mr. Sommerville. Before talking to Ms. Bridgeforth, police had identified Mr. Sommerville as a person of interest by running that phone number through Cash App and finding his account associated with that number, including a picture of the owner of that account. After a few objections over whether Detective Hohenstein would be allowed to testify about identifying Mr. Sommerville from the Cash App picture, he testified that the Cash App account did not use Mr. Sommerville's real name, but what he described as a "vanity name," likely a username or handle. Police issued a subpoena to Cash App's parent company for any information related to the account. Detective Hohenstein then sponsored the admission of the records Cash App sent in response to the subpoena. He testified that Cash App gave the full name, address, birth date, and picture associated with the account, and the name was Mr. Sommerville's. Detective Hohenstein testified he confirmed that the phone number belonged to Mr. Sommerville by checking with Ms. Bridgeforth.

The State then showed Detective Hohenstein Exhibit 13, the previously admitted cell log containing messages between Mr. Williams's and Mr. Sommerville's phone numbers. He testified to reviewing the report earlier and, while reading the report in real time in court, testified that Mr. Sommerville called Mr. Williams at 3:08 pm on the day of the murder. He noted that Mr. Sommerville and Mr. Williams exchanged various phone and video calls from 3:08 to 4:06. Mr. Williams then texted Mr. Sommerville, "You not even on Erdman." Mr. Sommerville replied, "I am I'm right here sitting on da wall," at 4:10. Mr. Sommerville added, "WYA cuz walk up." Mr. Sommerville called Mr. Williams

one more time after that, at 4:13.

The State then had Detective Hohenstein testify further about his canvassing efforts. He canvassed multiple times, as is his habit, “[a]s many as necessary.” He located cameras of interest at 3232 and 3235 Brendan Avenue. The State showed Detective Hohenstein Exhibit 8, the Google map of the neighborhood, had him mark the crime scene on the map, then had him mark where the cameras were located and which way they pointed. He explained that the first camera at 3235 pointed toward the rear of the house and captured “the back alley and also this corner of Mannasota.” He testified that the system there was DVR-based and that he had confirmed its timestamp mechanism was “eight hours behind.” He sponsored the admission of the footage he pulled from that rearview camera. The State began playing the footage and Detective Hohenstein narrated, explaining to the jury they were watching “the rear alley of the odd side of the 3200 block of Brendan Avenue” and locating Mannasota Avenue on screen. He testified that when he reviewed the footage, he noticed two individuals of interest walking past the cameras at timestamp 8:23, real time 4:23, of the day of the murder.

The State then turned to the footage from 3232 Brendan Avenue. Detective Hohenstein marked the cameras on the map. He sponsored the admission of front and rear footage from that address. He retrieved footage from 4:00 pm to 4:45 pm through a warrant to Nest, the cloud host. He testified that at roughly 4:24 pm the day of the murder, the footage showed “two individuals . . . walking eastbound on Mannasota Avenue.” As the footage played, Detective Hohenstein narrated. He told the jury that the camera footage

depicted “the 3200 block of [Brendan] Avenue and . . . Mannasota Avenue.” He described the shot showing two individuals walking eastbound. He testified that the same camera also captured footage of interest later, at 4:34 pm. Detective Hohenstein pointed out that Mr. Williams’s body had been found, shot, “[b]ehind [some] bushes and shrubs right at the top of [this camera shot].” He reminded the jury that Mr. Williams was found wearing blue and white shoes and blue sweatpants, previously admitted as physical evidence, and a white t-shirt. He pointed out, over objection, that one of the two figures of interest was wearing what appeared to be those very clothes. The video showed the two figures walking behind the bushes, and then, roughly eight seconds later, the figure not wearing Mr. Williams’s clothes running out from behind the same bushes. Detective Hohenstein then described widening his canvas of the neighborhood to try and locate more cameras to review and retrace Mr. Williams’s and the other figure’s steps.

The State then turned to footage from 3232 Brendan Avenue. The prosecutor had Detective Hohenstein draw an arrow indicating the direction the camera at that address faced, and he testified that it covered Mannasota and Brendan. He also described pulling footage from a CitiWatch camera at the corner of Bel Air and Erdman Avenues. He pulled footage from 3:30 pm the day of the murder onwards. The State then had him sponsor the admission of the CitiWatch footage. The State played the footage for the jury starting at 4:15 pm. Detective Hohenstein pointed out a figure standing on a median wearing clothing similar to the figure seen walking with the purported Mr. Williams. In response to objections from Mr. Sommerville, which the court sustained, Detective Hohenstein never

declared outright that this figure was Mr. Sommerville. He then turned to footage he pulled from an Exxon station on the “3300 block of Erdman.”

After a lunch break, the State went back to the footage from 3232 Brendan Avenue at 4:34 pm. Detective Hohenstein described the clothing worn by the figure next to the person wearing Mr. Williams’s clothes as “[a]ll dark clothing. He had black shoes, black pants, a black jacket, and a black hat with a white undershirt.” He described tracking these figures by their clothing backwards through the footage, heading westward until he found the Exxon station. The Exxon had a DVR-based security system from which Detective Hohenstein pulled footage from both an interior and exterior camera, which the State then had admitted. The State played the interior footage for the jury while Detective Hohenstein narrated. He noted that the same figures he’d been backtracking by their clothes entered the store at 4:18 pm. He identified the same figure in the distinctive shoes as Mr. Williams. He also noted the figure accompanying him in “all dark clothing” resembled the picture of Mr. Sommerville provided by Cash App, and using other identifying information from Cash App, he retrieved another photo of Mr. Sommerville from a police database, which also resembled the figure on the Exxon cameras. He took a screenshot of the Exxon footage and showed it to Ms. Bridgeforth, who confirmed the figure in all black as her son, Mr. Sommerville.

The State then played the exterior Exxon footage. While Detective Hohenstein was not allowed to identify them, two figures were shown walking out of the Exxon station wearing the same clothes as the two individuals from the interior shot highlighted earlier.

Detective Hohenstein testified that the footage showed these figures heading “[e]astbound towards Mannasota Avenue.” He then plotted the Exxon station and the direction the men were walking on the Google map. The State returned to the CitiWatch footage and traced the figure in all black crossing Bel Air and looking down Erdman Avenue around 4:15 pm. The same figure was depicted sitting on a wall on Erdman at 4:06 pm, the same time Mr. Williams and Mr. Sommerville were calling and texting each other to try and meet up on Erdman.

The State then turned to yet another clip (already admitted as State’s Exhibit 15), this one pulled from a business called Civics Works, that depicted the 3500 block of Brehms Lane, the 3300 block of Lake, and the 3500 block of Mannasota. Detective Hohenstein once again plotted the location and direction of the cameras on the Google map. The clip of interest from this camera started at 4:24 p.m. Detective Hohenstein mentioned that he had canvassed the neighborhood for more cameras, but that effort proved fruitless as all other cameras of interest had already overwritten relevant footage by the time he got to them or didn’t have any relevant angles.

The Detective did find footage on Pelham that had relevant audio, though. The court admitted the footage, and Det. Hohenstein told the jury that in that audio, one could hear a gunshot around the time of the crime. He described locating and interviewing Mr. Boyd and confirmed that someone standing where Mr. Boyd claimed to have stood could see the relevant stretch of the alley also. He then described all of the streets and alleyways around the scene of the crime and relayed to the jury that all footage admitted and reviewed

captured all alleyways in the vicinity of the scene. The State went over all of the footage of the scene of the crime again, confirmed that the Detective had watched it all, and had him tell the jury that he had not seen any other figure appear except for the one all in black that went behind the bushes with the figure wearing Mr. Williams's clothes, nor had he seen the purported Mr. Williams emerge from behind the bushes from any of the camera angles. This finished direct examination.

Then Mr. Sommerville crossed Detective Hohenstein. The defense probed the Detective on the accuracy of the timestamps of various clips of admitted footage. The defense had the court admit a still taken from the Civic Works footage and showed it to him. That photo featured two figures, one wearing black clothing similar to the figure that the State had been implying was Mr. Sommerville. The defense got Detective Hohenstein to admit to performing a geofence warrant on the location where the figure of interest had sat on the wall on Erdman. This warrant revealed a name and phone number for, among other suspects, a James Wells. The defense also probed another part of the investigation, a Nissan Infinity, that was registered to a Tyrell Burke, whom Detective Hohenstein had brought in to interview. Mr. Burke told police that someone else drives his car, but any further contents of that interview were suppressed as hearsay.

After Detective Hohenstein stepped down, the State read a stipulation that Mr. Sommerville had been convicted of a crime disqualifying him from regulated firearm possession at the time of the homicide:

The State and Defendant agree and stipulate that the Defendant was previously convicted of a crime that disqualifies him from

possessing a regulated firearm. And this disqualification would have been in effect on July 31st of 2022.

I. Special Agent Fowler

Finally, Federal Bureau of Investigation (“FBI”) Special Agent Michael Fowler testified. Special Agent Fowler is a member of the FBI’s Cellular Analysis Survey Team (“CAST”) and worked out of the Baltimore Field Office of the FBI. The CAST team, and Special Agent Fowler in particular, provides historical cellular record analysis, exigent or real time cellular record analysis, and training on those methodologies for other law enforcement entities. Historical cellular record analysis is a method of using cell phone company records to determine the date, time, and parties to a cell phone communication, as well as the specific cell tower used and side or direction from which the call came into the cell tower. Special Agent Fowler testified that this analysis allows law enforcement to place devices in a general location at a certain time, such as when a crime is suspected to have occurred. As the name suggests, exigent analysis does the same, but in real time. Special Agent Fowler then gave foundational testimony as to his qualifications in those fields, and the court accepted him as an expert.

Special Agent Fowler elaborated on how cellular record analysis works. He explained that phones scan constantly for the nearest cell tower to get the strongest signal and that when you make a cell phone call it will use the strongest signal. Cell companies keep records of cell phone data in “call detail record[s] or CDR[s] for short.” These records include the date, time, originating number, receiving number, duration, cell tower site, and what side of that cell tower was used.

Special Agent Fowler then described a historical cellular record analysis that he was asked to perform for the investigation into Mr. Williams's death. He prepared a report of that analysis that was admitted into evidence. Special Agent Fowler analyzed the phone number that Mr. Sommerville's mother, Ms. Bridgeforth, had tied to him. Special Agent Fowler read from the stand the report that he had prepared and explained to the jury how it set out the methodology he used. He testified that at 4:06 PM, July 31, Mr. Sommerville's phone received an incoming call that placed Mr. Mr. Sommerville's phone within a coverage area from a particular tower that covered, among other things, the scene of the crime.

On cross, Special Agent Fowler testified that the strongest signal doesn't always come from the closest tower and that the methodology he used can only show a phone within the maximum coverage area of the actual tower used and the direction generally from the tower in which the phone laid. He clarified further that the methodology cannot show distance from the phone to the tower or the phone's exact location. In sum, he explained that although his analysis could place Mr. Sommerville at the scene of the crime because the covered area included the crime scene, it didn't place him there definitively or with particularity—the data merely was not inconsistent with Mr. Sommerville being at the scene of the crime.

Special Agent Fowler was the last witness, and no further evidence was admitted.

II. DISCUSSION

Mr. Sommerville presents two questions for our review, which we rephrase as

follows:

1. Did the circuit court exercise its discretion properly when it allowed a detective to narrate admitted video surveillance?
2. Was the evidence presented at trial legally sufficient for a rational juror to find him guilty beyond a reasonable doubt?¹

We hold that the narrating witness had the requisite personal knowledge to describe the locations and events depicted in the surveillance and that the evidence presented at trial sufficed to sustain Mr. Sommerville’s convictions.

First, we review the decision to admit lay opinion evidence narrating a video for abuse of discretion. *Harrod v. State*, 261 Md. App. 499, 537–38 (2024) (citing *Paige v. State*, 226 Md. App. 93, 124 (2015)). A trial court abuses its discretion when it acts beyond the bounds of minimally acceptable choices. *Paige*, 226 Md. App. at 124–25 (citing *Norwood v. State*, 222 Md. App. 620, 643 (2015)).

Second, “[t]he standard for appellate review of evidentiary sufficiency is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier

¹ Mr. Sommerville phrased the Questions Presented as:

1. Did the trial court err by permitting Detective Hohenstein to narrate video recordings and opine on individuals’ identities while the videos were played for the jury?
2. Is the evidence legally insufficient to sustain Mr. Sommerville’s convictions?

The State, in turn, phrased them as:

1. Did the trial court properly exercise its discretion with respect to the officer’s testimony, which included statements regarding surveillance videos from the area of the shooting that the officer had visited multiple times?
2. Was the evidence sufficient to support Mr. Sommerville’s convictions of first-degree murder and related offenses?

of fact could have found the essential elements of the crime beyond a reasonable doubt.” *State v. Smith*, 374 Md. 527, 533 (2003) (emphasis added). The Court defers to, and does not “second-guess,” the jury’s choice to credit one rational inference over another. *Smith v. State*, 415 Md. 174, 183 (2010). Likewise, we give deference to the jury’s “finding of facts, its resolution of conflicting evidence, and, significantly, its opportunity to observe and assess the credibility of witnesses.” *McDonald v. State*, 347 Md. 452, 474 (1997). Our role is not to “re-weigh” the evidence: we decide whether the evidence presented at trial was sufficient to support the guilty verdict. *Smith*, 374 Md. at 534. This standard applies to “all criminal cases, including those resting . . . in whole or in part on circumstantial evidence.”

Id.

A. The Circuit Court Allowed Detective Hohenstein To Narrate The Videos Properly Because He Had The Requisite Personal Knowledge Of The Environs Surveilled.

Mr. Sommerville challenges the court’s decision to allow Detective Hohenstein to narrate the surveillance videos.² He asserts that Detective Hohenstein lacked the personal knowledge required as a foundation in order to narrate a video under our case law. Under these circumstances, we disagree.

Maryland courts treat video narration testimony as lay opinion testimony and

² We note that the circuit court sustained Mr. Sommerville’s objections to Detective Hohenstein identifying outright any of the parties depicted in the videos. Because those objections were sustained, we need not address the law of video narration *identification*, despite the State implying that the circuit court wouldn’t have abused its discretion if it *had* overruled those objections and allowed the identifications under *Moreland v. State*, 207 Md. App. 563, 573–74 (2012).

evaluate it under Maryland Rule 5-701.³ See *Harrod*, 261 Md. App. at 537–38. To satisfy the Rule, a lay opinion witness must have personal knowledge sufficient to form their inferences of what is happening in the video. *Id.* (citing *State v. Payne*, 440 Md. 680, 698 (2014)). We refined this standard in the recent-yet-keystone case of *Harrod v. State*, 261 Md. App. 499 (2024). So long as the narration witness has personal knowledge of the environs depicted in the surveillance video, they can narrate things such as the location of each shot, the timing of each shot, the sequence of the shots, and even help narrate the movements of actors or objects within and between the shots. See *id.* at 538–39 (narration witnesses allowed to narrate events in video, including “the chronology of events, the suspects’ movements before and after the [crime], and the significance of [distinctive clothing worn by the suspect,]” despite “neither [narration witness] witness[ing] the events as they unfolded” because “their knowledge of the area and camera locations provided a foundation for them to describe what they saw on the videos”). The *Harrod* rule sets a low bar that, once surmounted, allows counsel to ask a witness: “Alright, what are we looking at here?”—a question that certainly can be helpful to a finder of fact.

Here, Detective Hohenstein, the narrating witness, gained his personal knowledge of the environs by canvassing the neighborhood multiple times. He walked the streets, observed the location and angles of the cameras himself, and helped retrieve the footage.

³ “If the witness is not testifying as an expert, the witness's testimony in the form of opinions or inferences is limited to those opinions or inferences which are (1) rationally based on the perception of the witness and (2) helpful to a clear understanding of the witness's testimony or the determination of a fact in issue.” Md. Rule 5-701.

He had the foundational knowledge to satisfy the *Harrod* rule. *See id.* at 537–38.

Mr. Sommerville points out that the narration witnesses gained their personal knowledge of the environs in *Harrod* through long experience predating the investigation, gained while working in the neighborhoods where the videos were taken. *See id.* at 538. He argues, therefore, that its necessary that narration witnesses gain their personal knowledge of the environs before the investigation. We don't read *Harrod* as saying that's a necessary condition, but rather a sufficient one. And even if that weren't the binding rule, which it is, there is nothing totemic or especially different between personal knowledge gained before a crime or after a crime and during an investigation. Whether or not a perception was made during a course of investigation doesn't alter its personal nature. Although a non-proponent party is free to impeach a narration witness—say, by attacking just how familiar they are with the neighborhood, or purported bias in favor of the State on the part of police—the depth and timing of the foundational personal knowledge goes to the weight of the evidence and isn't a barrier to admissibility. *Cf. Moreland v. State*, 207 Md. App 563, 572 (2012) (noting that “. . . the intimacy level of the witness' familiarity with the [foundation] goes to the weight to be given the witness' testimony, not the admissibility of such testimony” regarding narration identification) (citation and internal quotation marks omitted).

Because Detective Hohenstein gained the requisite personal knowledge of the environs filmed by canvassing the neighborhood, the circuit court exercised its discretion

properly in allowing him to narrate the videos admitted into evidence.⁴

B. The Evidence Presented At Trial Was Sufficient For The Jury To Find Mr. Sommerville Guilty Of The Charges Beyond A Reasonable Doubt.

Mr. Sommerville argues that the evidence presented at trial was insufficient to support his convictions. Specifically, he asserts that the evidence was insufficient to identify him as the fleeing figure and insufficient to identify the fleeing figure as the person who shot Mr. Williams. The State responds that this issue wasn't preserved because it wasn't raised with sufficient particularity in Mr. Sommerville's motions for judgment of acquittal, then argues on the merits that the evidence was sufficient. Even assuming without deciding that the issue is preserved, we hold the evidence was sufficient and affirm.

Viewing the evidence and possible inferences in the light most favorable to the State, we are comfortable holding *first* that a rational juror could find beyond a reasonable doubt that the two men appearing in the Exxon footage were Mr. Williams and Mr. Sommerville. The former is wearing the same clothes he was wearing when he was found shot. The latter was identified in that very footage by his own mother, plus the jury could compare his face in the footage to his face on his Cash App account. From there, and once again drawing rational inferences in favor of the State, the jury could and did credit Detective Hohenstein's tracing of these two men by their clothing all the way to the scene of the crime, through the various surveillance clips. The jury watched the two men walk

⁴ Because we find no abuse of discretion, we need not address Mr. Sommerville's non-harmless error argument.

behind the bushes and watched the man in black—who, again, they could have found reasonably was Mr. Sommerville—flee the scene. Even if we discount Detective Hohenstein’s narration, the jury could have reached the same conclusion from watching the clips themselves. Based on the State’s ability to trace the men walking from Exxon to the operative stretch of Mannasota, a rational juror could identify those two figures as Mr. Williams and Mr. Sommerville. And that’s before mentioning the message logs that showed Mr. Williams and Mr. Sommerville meeting up at Erdman before the murder and Special Agent Fowler placing Mr. Sommerville’s phone in an area not inconsistent with the scene of the crime. We disagree, then, that the evidence was insufficient to identify him as the man in black walking behind that bush and then running out from behind that bush.

Second, we conclude as well that the evidence presented at trial was sufficient to allow a rational juror to find beyond a reasonable doubt that the fleeing man in black not only was Mr. Sommerville, but also the same man in black was the person who shot Mr. Williams. The jury could examine the Google map of the neighborhood and watch back the footage, crediting Detective Hohenstein’s testimony. A rational juror who credited that evidence and put it all together could find beyond a reasonable doubt that the State had covered every angle of egress from the scene of the crime and that the only figure who could have shot Mr. Williams was the man in black. Add in the testimony of Mr. Boyd, who heard the gunshot nearby and saw only a single man in black fleeing the scene; the autopsy by Dr. Ali opining that the shot had to come from point blank range, so a shooter farther away wasn’t an option; and the door cam that captured the sound of the gun shot,

and there was enough evidence on which a rational juror could rely. But even if we put all of that aside—the lack of exit, no one else witnessed at the scene of the crime—we conclude that when two men walk behind a bush, only one emerges eight seconds later, and the other is later found shot point blank behind that bush, a rational juror could find beyond a reasonable doubt that the man who emerged from behind the shrubbery shot the man who didn't.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
APPELLANT TO PAY COSTS.**