Circuit Court for Baltimore City
Case No. 119035007

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1609

September Term, 2019

LIONEL HALL

v.

STATE OF MARYLAND

Graeff,
Shaw Geter,
Gould,

JJ.

Opinion by Gould, J.

Filed: June 2, 2021

A jury in the Circuit Court for Baltimore City convicted appellant Lionel Hall of multiple crimes, including motor vehicle theft, "wearing, carrying, or transporting" a handgun, and crimes involving the failure to remain at the scene of a car accident.[1] Mr. Hall was sentenced to a term of five years' imprisonment for the theft conviction; a consecutive term of three years' imprisonment for one of the handgun convictions; a consecutive term of 60 days' imprisonment for the conviction for failing to remain at the scene of an accident involving property damage; a consecutive term of 60 days' imprisonment for the conviction for failing to remain at the scene of an accident involving bodily injury; and a fine for the reckless driving and negligent driving convictions. All other convictions were merged for sentencing purposes.

In this appeal, Mr. Hall presents us with four questions, which we have rephrased as follows:[2]

[1] Specifically, Mr. Hall was convicted of motor vehicle theft, unauthorized removal of property, two counts of wearing, carrying, or transporting a handgun on the person, two counts of wearing, carrying, or transporting a handgun in a vehicle, failure to remain at the scene of an accident involving property damage, failure to remain at the scene of an accident involving bodily injury, reckless driving, and negligent driving.

[2] Mr. Hall's original questions were:

1. Was the evidence sufficient to support Appellant's convictions for failing to return and remain at the scene of an accident involving physical injury and failing to return and remain at the scene of an accident involving only property damage under Md. Trans. Art. §§20-102 and 20-103?

2. As a result of the trial court's failure to properly instruct the jury on the elements of Md. Trans. Art. §20-103, was Appellant improperly convicted of violating that provision by failing to return to and remain at the scene of an accident only involving property damage?

1. Was the evidence sufficient to sustain the convictions for failure to remain at the scene of an accident involving property damage and failure to remain at the scene of an accident involving bodily injury?

2. Did the trial court commit plain error in instructing the jury on the charge of failure to remain at the scene of an accident involving property damage?

3. Did the sentencing court err in imposing separate sentences on the convictions for failure to remain at the scene of an accident involving property damage and failure to remain at the scene of an accident involving bodily injury?

4. Was the evidence sufficient to sustain the convictions for theft, unauthorized removal of property, and wearing, carrying, or transporting a handgun?

As to question 1, we hold that the evidence was sufficient to sustain the two convictions. As to question 2, we decline Mr. Hall's request for plain error review. As to question 3, we hold that the sentencing court erred in imposing separate sentences. As to question 4, we hold that Mr. Hall's claim is unpreserved and that, even if preserved, the evidence was sufficient to sustain the convictions. We therefore vacate Mr. Hall's sentence

3. Should Appellant's conviction for failure to return to and remain at the scene of an accident where there was property damage have been merged into his conviction for failure to remain at the scene of an accident where there was bodily injury?

4. Was the evidence sufficient to support Appellant's convictions for automobile theft, unauthorized removal of property, and two counts of wearing, carrying or transporting a handgun on his person as well as for failing to return and remain at the scene of an accident involving physical injury and failing to return and remain at the scene of an accident involving only property damage under Md. Trans. Art. §§20-102 and 20-103?

on his conviction for failure to remain at the scene of an accident involving property damage. Otherwise, we affirm the judgments of the circuit court.

BACKGROUND

At approximately 8:00 p.m. on January 8, 2019, on Oliver Street in Baltimore, Ricky Gardner was taking items out of the trunk of his 2010 burgundy Honda Accord, when he observed an individual walking toward him. At trial, Mr. Gardner testified that the individual was wearing a "gray hoodie" that covered part of his face and had a 9mm handgun with "a very long clip" sticking out of the front waistband of his pants. The individual approached Mr. Gardner and said, "Give me your keys." Mr. Gardner threw the keys to the individual, turned, and started walking away. The individual then told Mr. Gardner to get on the ground, and Mr. Gardner complied. After a short while, Mr. Gardner looked up and observed that his vehicle and the individual were gone. Mr. Gardner called the police to report the incident.

Baltimore County Police Detective Eric Hoppa, a member of the Regional Auto Theft Task ("RATT") Force,[3] testified that, on January 9, 2019, he was driving an unmarked police vehicle northbound on Pennsylvania Avenue when his vehicle's license plate reader[4] alerted him that Mr. Gardner's stolen Accord was traveling southbound on Pennsylvania Avenue. Upon receiving that alert, Detective Hoppa turned his vehicle

[3] Deputy Hoppa testified that 90 percent of his squad's time is spent in Baltimore City.

[4] A license plate reader is an electronic device that scans the license plates of nearby vehicles to determine whether a vehicle has been reported stolen.

around and began following the Accord. He also "got on the radio and called for other units to respond." Detective Hoppa testified that he followed the Accord at "slow-ish speeds" for approximately five minutes. A second RATT officer, Detective Brian Ralph who was driving another unmarked vehicle, responded to the scene and joined in the pursuit of the Accord. According to Detective Hoppa, when the second RATT vehicle arrived on the scene, the Accord rapidly accelerated and "took off." Detective Hoppa followed as the Accord went through a stop sign and turned right onto Arlington Avenue, heading south. The Accord continued traveling down Arlington Street, eventually going through the stop sign at the intersection of Arlington Avenue and Lafayette Street. As it did, the Accord struck the front end of a vehicle that was traveling east on Lafayette Street. The struck vehicle spun away and came to a stop just south of the intersection. The Accord spun as well, coming to a stop almost halfway down the block. The driver of the other vehicle sustained personal injury in the accident.

Detective Hoppa testified that, after the accident, the driver of the Accord—who he identified as Mr. Hall—got out of the vehicle. Detective Hoppa did not see anyone else exit the vehicle.

Detective Hoppa testified that, after Mr. Hall exited the Accord, he "took a couple steps southbound, like in the opposite direction of . . . the car that he hit." As he did, Mr. Hall "crouched down real quick, then he stood back up, and then began walking southbound." Detective Hoppa testified that Mr. Hall walked only a short distance before he was apprehended. He added that Mr. Hall "never left the block." Detective Hoppa

testified that a handgun was later recovered from the area where Mr. Hall had been seen crouching down.

Detective Ralph testified that as he was in pursuit of the Honda, he managed to see the driver, whom he identified as Mr. Hall. Detective Ralph also testified that Mr. Hall was the Accord's only occupant.

RATT Detective Steven Mahan responded to the scene immediately following the accident. Detective Mahan testified that, upon arriving at the scene, he searched underneath a nearby vehicle and found a 9mm handgun with an extended magazine and 22 rounds of ammunition. Detective Mahan testified that the handgun and ammunition were found approximately five to ten feet away from where the Accord came to a stop after the accident.

Michael Lawson, a DNA analyst with the Baltimore City Police Department, testified that the DNA analysis of the handgun and magazine found at the scene revealed "a DNA profile consistent with a mixture of at least four contributors," including Mr. Hall.

Mr. Hall was ultimately convicted of motor vehicle theft, unauthorized removal of property, two counts of wearing, carrying, or transporting a handgun on the person, two counts of wearing, carrying, or transporting a handgun in a vehicle, failure to remain at the scene of an accident involving property damage, failure to remain at the scene of an accident involving bodily injury, reckless driving, and negligent driving.

DISCUSSION

I.

Mr. Hall's first three claims of error involve his convictions for failure to remain at the scene of an accident involving property damage and failure to remain at the scene of an accident involving bodily injury.

Mr. Hall first contends that the evidence was insufficient to sustain both convictions. He asserts that the State was required to show that he had left the scene of the accident and had failed to return and remain at the scene. He contends that the evidence established that he had walked only a short distance and had not left the block before being apprehended. He argues that the distance he traveled was "not far enough" to show that he had "left the scene."

"The test of 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.'" *Donati v. State*, 215 Md. App. 686, 718 (2014) (quoting *State v. Coleman*, 423 Md. 666, 672 (2011)) (internal quotations omitted). This standard applies to all criminal cases, "including those resting upon circumstantial evidence, since, generally, proof of guilt based in whole or in part on circumstantial evidence is no different from proof of guilt based on direct eyewitness accounts." *Neal v. State*, 191 Md. App. 297, 314 (2010). Moreover, "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." *Darling v. State*, 232 Md. App. 430, 465 (2017). In making that determination, "[w]e 'must give deference to all reasonable inferences [that] the fact-finder draws, regardless of whether [we] would have chosen a different reasonable inference.'" *Donati*, 215 Md. App. at 718 (quoting *Cox v. State*, 421 Md. 630, 657 (2011)). We also "defer to the fact finder's 'opportunity to assess the credibility of witnesses, weigh the evidence, and resolve conflicts in the evidence[.]'" *Neal*, 191 Md. App. at 314.

Leaving the scene of an accident involving property damage is illegal under Section 20-103 of the Transportation Article ("Transp.") of the Maryland Annotated Code (1977, 2020 Repl. Vol.). This statute requires that: "[t]he driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property shall return to and remain at the scene of the accident until he has complied with § 20-104 of this title." Transp. § 20-103(b).[5]

Section 20-104 of the title requires that the driver of each vehicle involved in an accident provide certain information and, if necessary, render reasonable assistance to anyone injured during the accident.[6]

[5] Transp. § 20-103(c) states that a violator "is subject to imprisonment not exceeding 2 months or a fine not exceeding $500 or both."

[6] In full, Transp. § 20-104 states:

Accidents resulting in bodily injury or death to persons in vehicle

(a) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person

injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.

Request for name, address, and registration number of vehicle driven

(b) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give his name, his address, and the registration number of the vehicle he is driving and, on request, exhibit his license to drive, if it is available, to:

(1) Any person injured in the accident; and

(2) The driver, occupant of, or person attending any vehicle or other property damaged in the accident.

Request to display license to drive

(c) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give the same information described in subsection (b) of this section and, on request, exhibit his license to drive, if it is available, to any police officer who is at the scene of or otherwise is investigating the accident.

Report of accident if police officer not present

(d) If a police officer is not present and none of the specified persons is in condition to receive the information to which the person otherwise would be entitled under this section, the driver, after fulfilling to the extent possible every other requirement of § 20-102 of this title and subsection (a) of this section, immediately shall report the accident to the nearest office of an authorized police authority and give the information specified in subsection (b) of this section.

Fines and penalties

(e) A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding $500 or both.

Section 20-102(a)(2) requires that: "[t]he driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20-104 of this title." There is a heightened penalty for leaving the scene of an accident that results in bodily injury.[7] The purpose of this statute, known as Maryland's "hit and run" statute" "is to discourage the driver of a vehicle which has been involved in an injury-causing accident from abandoning persons who are in need of medical care, and to prevent that same driver from attempting to avoid possible liability." *DeHogue v. State*, 190 Md. App. 532, 550 (2010).

We hold there was sufficient evidence to sustain Mr. Hall's convictions under both Transp. § 20-103(b) and Transp. § 20-102(a)(2). The plain language of both statutes requires a driver to "return to and remain" at the scene of an accident involving either property damage or bodily injury. The evidence supported a finding that Mr. Hall did not

[7] The relevant provisions governing the penalties are Transp. §§ 20-102(c)(2)(i) and (3)(i), which provide:

> (2)(i) Except as provided in paragraph (3) of this subsection, a person convicted of a violation of subsection (a) of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding $3,000 or both.
>
> * * *
>
> (3)(i) A person who violates this section and who knew or reasonably should have known that the accident might result in serious bodily injury to another person and serious bodily injury actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

"remain" at the scene following the accident, but instead got out of his vehicle and walked away. There was also evidence that, as he was walking away, Mr. Hall disposed of a firearm.

From this evidence, a fact-finder could reasonably infer that: (1) Mr. Hall had failed to meet his affirmative duty to "return to and remain" at the scene of the accident; and (2) Mr. Hall was fleeing the scene in an attempt to avoid possible liability, which is precisely the sort of behavior that the statutes were intended to discourage. That Mr. Hall only managed to get a short distance away before he was apprehended is of no consequence. Neither statute requires the driver to reach a certain minimum distance from the scene of the accident in order to be found guilty of failing to "return" to the scene. And it is not our function to engraft such a requirement. *See 75-80 Properties, LLC v. Rale, Inc.*, 470 Md. 598, 623 (2020) (appellate courts should not add or delete words to change the meaning of an unambiguous statute).

II.

Mr. Hall's next claim of error concerns the trial court's jury instructions on the charges of failing to return to and remain at the scene of an accident involving property damage and failing to return to and remain at the scene of an accident involving bodily injury. The court proposed to counsel the following instructions:

> The Defendant is charged with the crime . . . of failure to return and remain at the scene of an [accident] involving damage to a vehicle. In order to convict the Defendant[,] the State must prove (1) that the Defendant was the driver of a vehicle involved in an accident that resulted in damage to an attended vehicle and (2) that the Defendant failed to immediately return to and remain at the scene of the accident . . . until he . . . had rendered aid,

> provided his name, his address, and the registration number of the vehicle he was driving and exhibited his license if requested.
>
> The Defendant is charged with the crime of failure to return and remain at the scene of an accident involving bodily injury. In order to convict the Defendant[,] the State must prove (1) that the Defendant was the driver of a vehicle involved in an accident that resulted in bodily injury to another person and (2) the Defendant failed to immediately return to and remain at the scene of the accident until he had rendered aid, provided his name, his address and the registration of the vehicle he was driving and exhibited his license if requested.

Mr. Hall's attorney informed the court that Mr. Hall had no objection to these instructions. After the trial court read those instructions to the jury, Mr. Hall made no objection.

Mr. Hall now argues that as a matter of law, when one fails to remain at the scene of an accident, he can be convicted under the statute that applies to accidents involving physical injuries (Transp. § 20-102), or accidents involving only property damage (Transp. § 20-103), but not both, and that the jury should have been so instructed. Recognizing his failure to preserve this issue, Mr. Hall asks that we review this issue for plain error. Mr. Hall proposes alternatively that we address the error under the doctrine of ineffective assistance of counsel.

Generally, "we reserve plain error relief 'for errors that are compelling, extraordinary, exceptional or fundamental to assure the defendant a fair trial.'" *Pietruszewski v. State*, 245 Md. App. 292, 323 (2020) (internal quotations omitted) (quoting *Yates v. State*, 429 Md. 112, 130-31 (2012)). "On the other hand, plain error review is inappropriate 'as a matter of course' or when the error is 'purely technical, the

product of conscious design or trial tactics or the result of bald inattention.'" *Campbell v. State*, 243 Md. App. 507, 538 (2019) (quoting *State v. Brady*, 393 Md. 502, 507 (2006)). Moreover, "[e]ven if an appellant is able to satisfy the threshold burden of proving a plain and material error, the Court need not recognize the error." *Steward v. State*, 218 Md. App. 550, 566 (2014). "[W]e will do so only when the error was so material to the rights of the accused as to amount to the kind of prejudice [that] precluded an impartial trial." *Newton v. State*, 455 Md. 341, 364 (2017) (quotations omitted).

In *State v. Rich*, 415 Md. 567, 578-79 (2010) (quoting *Puckett v. United States.*, 556 U.S. 129, 135 (2009)) (cleaned up), the Court of Appeals adopted the following four-prong test regarding plain error review:

> First, there must be an error or defect – some sort of deviation from a legal rule – that has not been intentionally relinquished or abandoned, i.e., affirmatively waived, by the appellant. Second, the legal error must be clear or obvious, rather than subject to reasonable dispute. Third, the error must have affected the appellant's substantial rights, which in the ordinary case means he must demonstrate that it affected the outcome of the [court] proceedings. Fourth and finally, if the above three prongs are satisfied, the [appellate court] has the discretion to remedy the error – discretion which ought to be exercised only if the error seriously affects the fairness, integrity or public reputation of judicial proceedings.

We decline Mr. Hall's request for plain error review. Although the trial court's instruction may not have matched the express language of Transp. § 20-103,[8] that alone does not elevate this issue to the level of plain error. Mr. Hall's argument is essentially that the trial court should have given a "lesser included offense" instruction – that is, that

[8] The jury instruction did not explain that a conviction under the property damage statute is possible if the only damage caused by the accident is damage to property.

the court should have instructed the jurors that, were they to find him guilty of the "bodily injury" offense, then they could not find him guilty of the "property damage" offense. *See generally* MARYLAND CRIMINAL PATTERN JURY INSTRUCTIONS, § 7:03 Lesser Included Offenses (2d ed., 2020 Repl. Vol.). Such instructions are generally given only upon a defendant's request, not as a matter of course. *See Hook v. State*, 315 Md. 25, 41 (1989) (explaining that "a defendant has the option whether to have a lesser offense instruction given to the jury"). We therefore decline to find plain error in the court's failure to give, *sua sponte*, the sort of instruction suggested by Mr. Hall.

We likewise decline Mr. Hall's request to review the trial court's "error" under a claim of ineffective assistance of counsel. As discussed, defense counsel could have requested a "lesser included" instruction but, for whatever reason, chose not to. Because we cannot discern from the record the reasons behind that decision, direct review of Mr. Hall's ineffective assistance claim would be inappropriate. *See Testerman v. State*, 170 Md. App. 324, 335 (2006) (citing *In re Parris W.*, 363 Md. 717, 726 (2001)) (noting that direct review of an ineffective assistance claim is appropriate only "where the critical facts are not in dispute and the record is sufficiently developed to permit a fair evaluation of the claim").

III.

Under the same rationale as his claim of error regarding the jury instructions, Mr. Hall contends that the sentencing court erred in imposing separate sentences on his convictions under the two statutes involving the failure to remain at the scene of an

accident. He asserts that, at best, these statutes are ambiguous as to whether the legislature intended separate punishments. He argues, therefore, that the convictions should have been merged for sentencing purposes pursuant to the "rule of lenity." The State counters that merger is not warranted because the plain language of the statutes evinces an intent by the legislature to impose separate sentences. As we see it, Mr. Hall has the better argument.

"The merger doctrine derives from the Fifth Amendment protection against double jeopardy afforded by the U.S. Constitution and Maryland common law and prohibits multiple punishments for the same offense." *Jones v. State*, 240 Md. App. 26, 44 (2019). A subset of the merger doctrine – the rule of lenity – "provides that two statutory offenses may not be separately punished if the Legislature intended for them to be punished in one sentence." *Id.* at 45. "When evaluating a claim for lenity, we look first to whether the charges arose out of the same act or transaction, then to whether the crimes charged are the same offense, and then, if the offenses are separate, to whether the Legislature intended multiple punishment[s][.]" *Id.* (quotations omitted). If there is any ambiguity as to whether the legislature intended multiple punishments, such ambiguity must be resolved in favor of the defendant. *Handy v. State,* 175 Md. App. 538, 577-78 (2007).

"We apply the 'normal rules of statutory construction in determining the legislative intent regarding the proper unit of prosecution and the appropriate unit of punishment in respect to violations of any criminal statute.'" *Id.* at 576-77 (quoting *Melton v. State*, 379 Md. 471, 478 (2004)). Under those rules, we first look to the text of the statue, giving the words of the statute "their ordinary and usual meaning." *Id.* at 577. "If the statute is not

ambiguous, we generally will not look beyond its language to determine legislative intent." *Id*. If, on the other hand, the language is ambiguous, we consider the statute in light of its objectives and purpose and may "consider the particular problem or problems the legislature was addressing, and the objectives it sought to attain." *Id.*

As discussed above, the crimes of failing to remain at the scene of an accident are set forth in separate statutes—one for accidents involving physical injuries (Transp. § 20-102) and the other for accidents involving property damage (Transp. § 20-103). The origin of both statutes can be traced back to Chapter 687, § 151 of the Laws of Maryland, which was enacted in 1916 and stated, in pertinent part:

> In case of any accident, such as collision with a person, animal or vehicle, the operator of the motor vehicle in such collision must immediately stop and give his name, residence, and the number of his license to operate, upon demand, and render such assistance as may be reasonable and necessary within his power.

The statute also included a penalty provision that read: "Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and subject upon conviction to a penalty of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each first offense." *Id.*

In 1918, the General Assembly amended the statute to include an additional penalty when the accident resulted in "a fatality or serious injury." 1918 Md. Laws, Ch. 85 § 151. The change affected only the penalty portion of the statute, which was amended as follows:

> Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and subject upon conviction to a penalty of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for the first offense, provided that any person convicted of failing

> to stop, give his name and render assistance, as above provided, upon the occurrence of an accident resulting in a fatality or serious injury to any person shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), or to imprisonment for not less than thirty days nor more than one year, or to both fine and imprisonment, for the first offense.

Id.

In 1943, the General Assembly amended the statute again, this time creating two separate statutes, one for accidents "resulting in injury to or death [of] any person," and the other for accidents "resulting only in damage to a vehicle." 1943 Md. Laws, Ch. 1007 §§ 145 and 146. As with their predecessor, these two statutes required an individual involved in an accident to stop and remain at the scene of the accident until certain conditions were met, i.e., providing information and rendering aid. *Id.* Each statute also included its own penalty provision, with the statute concerning death or personal injury carrying a more severe penalty. *Id.* Over the years, these statutes were amended, without substantive change, and were eventually codified in Transp. §§ 20-102 and 20-103.

In light of this history, we conclude that Mr. Hall's conviction under the property damage statute should have merged for sentencing purposes into his conviction under the bodily injury statute. The history of these statutes makes clear that the aim of both statutes was the same—to discourage drivers from leaving the scene of an accident. The only relevant difference between the two statutes is that the failure to leave an accident involving "only" property damages is punished less severely than an accident involving physical injuries. The General Assembly's selective use of "only" in Transp. § 20-103—which functions to limit the statute's applicability to accidents involving "only" property

damage—suggests the General Assembly intended that the punishment for a violation of that statute would not be imposed when the accident involved something more serious than property damage, namely, physical injuries. At a bare minimum, the statutes are ambiguous in this regard, and that ambiguity must be resolved in Mr. Hall's favor. *See Handy*, 175 Md. App. at 576-78.

We therefore hold that Mr. Hall's conviction for violating Transp. § 20-103 should have merged for sentencing purposes into his conviction for violating § 20-102.

IV.

Mr. Hall's final claim is that the evidence was insufficient to sustain his convictions for theft, unauthorized removal of property, handgun possession, and failure to remain at the scene of an accident. He argues that the State failed to show that he was the driver of the stolen vehicle and that he was in actual possession of the handgun found near the site of the accident.

The State argues, and we agree, that Mr. Hall's claim is unpreserved. "Maryland Rule 4-324(a) requires that, as a prerequisite for appellate review of the sufficiency of the evidence, [an] appellant move for a judgment of acquittal, specifying the grounds for the motion."[9] *Whiting v. State*, 160 Md. App. 285, 308 (2004). "The language of the rule is

[9] Maryland Rule 4-324(a) provides:

> A defendant may move for judgment of acquittal on one or more counts, or on one or more degrees of an offense which by law is divided into degrees, at the close of the evidence offered by the State and, in a jury trial, at the close of all the evidence. The defendant shall state with particularity all reasons why the motion should be granted. No objection to the motion for judgment of acquittal shall be necessary. A defendant does not waive the

mandatory, and review of a claim of insufficiency is available only for the reasons given by [the] appellant in his motion for judgment of acquittal." *Id.* (citation omitted). "Grounds that are not raised in support of a motion for judgment of acquittal at trial may not be raised on appeal." *Jones v. State*, 213 Md. App. 208, 215 (2013).

Here, none of the arguments presented by Mr. Hall in support of his claim were presented at trial when Mr. Hall moved for judgment of acquittal. Mr. Hall's sufficiency claim is therefore not preserved for our review.

Assuming *arguendo* that Mr. Hall's claim was preserved, it is nonetheless without merit. Two police officers testified that Mr. Hall was the driver of the stolen 2010 Honda Accord when it crashed. One officer testified that, immediately following the crash, Mr. Hall "crouched down" by a nearby car. Shortly thereafter, a handgun was found in the area where Mr. Hall was seen crouching down. That handgun, which had Mr. Hall's DNA, was similar to the one that the victim, Mr. Gardner, testified the assailant had tucked in his waistband when Mr. Gardner's vehicle was stolen. Such evidence was sufficient to establish that Mr. Hall was the driver of the stolen vehicle and that he possessed the handgun. That Mr. Hall was not in "actual" possession of the handgun at the time of his arrest is irrelevant. *See Handy*, 175 Md. App. at 563 ("Contraband need not be found on a defendant's person to establish possession.").

right to make the motion by introducing evidence during the presentation of the State's case.

APPELLANT'S SENTENCE ON HIS CONVICTION FOR FAILURE TO REMAIN AT THE SCENE OF AN ACCIDENT INVOLVING PROPERTY DAMAGE VACATED; JUDGMENTS OF THE CIRCUIT COURT FOR BALTIMORE CITY OTHERWISE AFFIRMED; COSTS TO BE PAID BY 3/4 BY APPELLANT AND 1/4 BY THE MAYOR AND CITY COUNCIL OF BALTIMORE.