

Circuit Court for Anne Arundel County
Case No. C-02-CR-24-000792

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 1704

September Term, 2024

EDWARD KENNETH ALVEZ

v.

STATE OF MARYLAND

Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 12, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by a jury in the Circuit Court for Anne Arundel County of possession of oxycodone and buprenorphine with intent to distribute and related offenses, Edward Kenneth Alvez, appellant, presents for our review a single issue: whether the evidence is sufficient to sustain the convictions. For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State called Anne Arundel County Police Officer Joseph Markowski, who testified that at approximately 5:05 p.m. on April 23, 2024, he “was conducting covert surveillance in [an] unmarked Anne Arundel County Police vehicle” when he “observed a[n] unidentified male pacing back and forth in a parking lot,” “on his cell phone and . . . a little frantic.” “[S]hortly after [the male] hung up the phone[,] a black Nissan Versa” driven by Mr. Alvez “pulled right into the center of the parking lot.” The “male . . . began speaking with” Mr. Alvez “as if [the male] had already pre-arranged a meeting there.” “After a very short conversation, the male . . . reached his right hand inside . . . the vehicle,” and Mr. Alvez “leaned towards the male and exchanged an item consistent with the size of” a “[c]ontrolled dangerous substance.” The male “took that small item[,] put it immediately right in his pocket[,] and walked away,” and Mr. Alvez “exited the parking lot and drove away.”

Officer Markowski subsequently “conducted a traffic stop” of the Nissan and made contact with Mr. Alvez. When the officer stated that he “would be searching the vehicle,” Mr. Alvez stated that “there was marijuana in a bag and medicine.” Officer Markowski subsequently searched Mr. Alvez and discovered “multiple prescription bottles” and money. The money was comprised of a \$50 bill, a \$20 bill, multiple \$5 bills, and multiple

\$1 bills. The labels on the prescription bottles reflected “quite a few different prescriptions,” including Xanax, “an amphetamine which was . . . a generic Adderall,” and oxycodone. The bottle labeled for oxycodone “did not contain any oxycodone.” In an “Altoids tin,” the officer discovered “other pills that [he] suspected to be oxycodone,” which did not match and were not “stamped like” the pills in the prescription for oxycodone. Using “Pill Identifier,” which police officers “use in the field[] to identify what . . . sort of a pressed pill would be,” Officer Markowski determined that the suspected oxycodone pills were different from those prescribed for Mr. Alvez. The officer continued his search and discovered, “in the rear passenger compartment of the vehicle,” a “bag . . . that contained several more pill bottles.” One of the bottles had a label reflecting a prescription of “Suboxone 12mg” for “Lisa Bullock,” and another bottle had a label reflecting a prescription of “Suboxone 12mg” for “Todd Bradford.” Officer Markowski also discovered two unlabeled containers of Suboxone.

The State also presented evidence that Angela Ellis, a forensic chemist with the Forensic Services Section of the Anne Arundel County Police Department, examined and tested the items seized by Officer Markowski. Ms. Ellis subsequently issued a report in which she stated that one of the prescription bottles contained “5 blue and white manufacturer sealed Suboxone packets” labeled “N8” and “each listed to contain 1 film.” An analysis of the packets “revealed the presence of Buprenorphine.” Another prescription bottle contained “24 orange and white manufacturer sealed Suboxone packets” labeled “N12” and “each listed to contain 1 film.” An analysis of the packets “revealed the presence of Buprenorphine.” Finally, the Altoids tin contained “33 round white tablets

imprinted ‘R P 30’ and 3 oval white tablets imprinted ‘R P 15.’” An analysis of the tablets “revealed the presence of Oxycodone.”

The State also called Anne Arundel County Police Detective Joseph Goldberg, who was accepted by the court as an expert witness in “controlled dangerous substances,” specifically “[a]ppearance, packaging, methods of street level sales, open air drug markets, and street values.” Detective Goldberg testified that “based on [his] training, knowledge, and experience,” he was of the opinion that Mr. Alvez possessed the oxycodone and buprenorphine “with intent to distribute.” The detective concluded that the oxycodone was “consistent with possession with the intent to distribute” for the following reasons:

- “Over the years, it has been less and less prescribed, . . . due to the addictive nature of oxycodone and similar products.”
- Pills of fifteen milligrams and of thirty milligrams “were mixed together.”
- The quantity of the pills.
- The “fact that [the pills] were in an Altoid[s] can and not in their respective pill prescription bottles.”

Detective Goldberg concluded that the “Suboxone or buprenorphine . . . was consistent with the possession with the intent to distribute” for the following reasons:

- “[T]hey were in individual bottles prescribed to different individual people.”
- Some of the strips weighed eight milligrams, but others weighed twelve milligrams.
- The “sheer count” of the strips.
- The use of a prescription bottle as a “cloaking mechanism,” “so that if intercepted by the police, it looks like a legitimate prescription.”

Detective Goldberg testified that the “street price for 15 milligrams of oxycodone in [the] area” is “about . . . \$15 . . . per tablet,” and “for . . . 30 milligram[s],” “it can range anywhere from [\$]20 to \$30 per tablet.” The detective also testified that the “12-milligram films” of Suboxone “have an . . . approximate street value[] of about \$15 per film,” and “an 8-milligram strip” costs “about \$8.” Detective Goldberg testified that the “U.S. currency located” is an indication of “drug dealing” and “drug sales,” because “illicit drug sales is black market, so it’s essentially a cash business.” The detective further testified that Officer Markowski’s testimony regarding “the exchange between [Mr. Alvez] and the unidentified person” was “indicative of a hand-to-hand drug sale,” because the behavior of the “unknown male was . . . indicative of . . . waiting for somebody to meet him” and concealing “a controlled dangerous substance . . . from plain view.”

Mr. Alvez contends that, for numerous reasons, the evidence “did not satisfy the intent element of the crimes of possession with intent to distribute.” We disagree. Officer Markowski testified that he saw Mr. Alvez give an unidentified male “an item consistent with the size of” a controlled dangerous substance. The officer subsequently discovered on Mr. Alvez’s person money and prescription bottles reflecting “quite a few different prescriptions,” including Xanax, an amphetamine, and oxycodone. In Mr. Alvez’s car, Officer Markowski discovered a tin containing oxycodone pills that were different from those prescribed for Mr. Alvez. The officer also discovered “pill bottles” containing Suboxone, two of which were for prescriptions for individuals other than Mr. Alvez. Detective Goldberg gave expert testimony that the decrease in prescriptions of oxycodone, Mr. Alvez’s mixing of oxycodone pills of different strengths, the quantity of the pills, and

Mr. Alvez’s storage of the pills in a container other than “their respective pill prescription bottles” indicated that he intended to distribute the oxycodone. The detective also testified that Mr. Alvez’s storage of the “Suboxone or buprenorphine” in “individual bottles prescribed to different individual people,” his possession of strips of different strengths, the “sheer count” of the strips, and his use of a prescription bottle as a “cloaking mechanism” indicated that he intended to distribute the buprenorphine. From Detective Goldberg’s testimony regarding the “street price” of the substances, the jury could determine that the total value of the oxycodone was as much as \$1,035, and the total value of the buprenorphine was approximately \$400. With respect to the quantity of both the oxycodone and buprenorphine, we have stated that “the very quantity of narcotics in possession may indicate an intent to distribute.” *Purnell v. State*, 171 Md. App. 582, 612 (2006) (internal citations and quotations omitted). Finally, the detective testified that Mr. Alvez’s possession of “U.S. currency” is an indication of “drug dealing” and “drug sales,” and Officer Markowski’s testimony regarding “the exchange between [Mr. Alvez] and the unidentified person” was “indicative of a hand-to-hand drug sale.” From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Mr. Alvez intended to distribute the oxycodone and buprenorphine, and hence, the evidence is sufficient to sustain the convictions.

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