Circuit Court for Baltimore City
Case No.: 121004001

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1775

September Term, 2022

KHALIL CLOUDE

v.

STATE OF MARYLAND

Graeff,
Albright,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Meredith, J.

Filed: May 22, 2025

At the conclusion of a trial in the Circuit Court for Baltimore City, a jury found Khalil Cloude, appellant, not guilty of first-degree murder. But the jury found him guilty of: second-degree murder; use of a firearm in the commission of a felony or crime of violence; wearing, carrying, and transporting a handgun; and possession of a firearm by a minor. The court sentenced Cloude to forty years' imprisonment for second-degree murder, ten concurrent years' imprisonment for using a firearm in the commission of a felony, and five consecutive years' imprisonment for possession of a firearm by a minor. The court merged the remaining weapons offense for sentencing.

Cloude noted this direct appeal in which he raises a single question: "Was there sufficient proof of actual causation to sustain a murder conviction?" We shall affirm the judgments of the circuit court.

BACKGROUND

On the night of December 1, 2020, the victim in this case, Mikal Mayo, was shot and killed in the vestibule of his girlfriend's apartment building. Forensic evidence indicated that a total of sixteen rounds had been fired in the vestibule from at least four different firearms. Eight rounds struck the victim. At trial, although no eyewitnesses to the shooting testified, the evidence indicated that, aside from the victim, as many as six other people may have been in the vestibule at the time of the shooting. Video surveillance footage showed that, just seconds after Mayo had entered the apartment building where he was immediately shot and killed, Cloude emerged from the vestibule holding what appeared to be a pistol in his hand as he fled the scene of Mayo's killing. Although Cloude

had also been shot during the shootout in the vestibule, he was able to limp to a nearby apartment, from which he was transported to a hospital.

At trial, there was no dispute that Cloude was present in the vestibule of building 5513 at the time of Mayo's shooting. On appeal, although Cloude argues that the evidence did not establish that he shot Mayo, Cloude candidly acknowledges his presence at the scene of the crime, stating in his brief: "Indeed, Mr. Cloude was in the vestibule at the time of the shooting."

In the appellant's brief in this Court, Cloude summarizes the evidence regarding his actions on the night of Mayo's homicide as follows:

> The Sinclair Gates apartments on Bowleys Lane in Baltimore comprises four buildings laid out in a horseshoe around a large green space. There is a front door to each building opening into a vestibule, and each building has four floors with four apartments on each floor. On December 1, 2020, six young men that were not residents of the complex were playing dice in the vestibule of building 5513 where Monica Bailey, her young son, and her boyfriend Mikal Mayo lived in apartment 1-B.
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> Mr. Mayo left apartment 1-B at approximately 10:00 p.m. to purchase snacks and as he walked through the vestibule one of the men commented on Mr. Mayo's shoes. An outdoor security camera captured Mr. Mayo exit 5513 and walk toward Bowleys Lane, when the door to 5513 opened again and Mr. Cloude appeared. He and Mr. Mayo spoke briefly before Mr. Mayo continued walking towards Bowleys Lane. The camera shows that while Mr. Mayo was gone, men from the vestibule milled about outside or periodically opened the front door of 5513, seemingly anticipating Mr. Mayo's return.
>
> When Mr. Mayo comes back to 5513 and opens the door, he encounters gunfire from at least four firearms ejecting multiple .45 caliber and .9 millimeter projectiles and a .32 millimeter projectile. Sixteen total rounds were fired, and he is hit eight times. Two shots proved "rapidly fatal," meaning they inflicted wounds upon vital structures such as the heart, brain, or any major blood vessels causing "rapid bleeding" or leading to death: gunshot wound A, a .45 caliber to the left temple ("Wound A"); and gunshot

> wound C, of unknown caliber to the right side of the chest ("Wound C"). The medical testimony indicated Wound C was from a shot fired while the gun pressed against Mr. Mayo or was within very close range. The other six shots were not rapidly fatal, and though associated with some degree of blood loss, there was no evidence they were lethal. The cause of death was homicide by multiple gunshot wounds, but there was no forensic or eyewitness evidence identifying who fired which shots.
>
> Eleven seconds after Mr. Mayo entered 5513, Mr. Cloude stumbled out the front door. He threw his cell phone to the ground in frustration, and, with a gun visible in his right hand, hobbled to building 5507 where he ultimately collapses in the apartment of his mother's friend from three gunshot wounds received in the vestibule shooting. Paramedics and police arrive. Mr. Mayo is pronounced dead, and Mr. Cloude is transported to the hospital where portions of his lower bowels are removed in surgery. The 5513 vestibule was abandoned by then. [Five days later, on] December 6, 2020, Mr. Cloude is interviewed by detectives and during the approximately hour-long meeting repeatedly says he remembers nothing, only that someone followed him, tried to rob him, and shot him.

(Footnotes and citations to record omitted.)

Cloude's statement to police after the incident

On December 6, 2020, the police interviewed Cloude at the police station. The video recording of the interview was played for the jury. In that interview, Cloude said that he lived in a different apartment complex nearby and claimed that, on the night of the shooting, he was merely passing through building 5513 while he was walking home. He initially claimed not to know where he was at the time he was shot. But he later explained his presence in the vestibule of building 5513 by claiming that he was taking a shortcut. He said he was cutting through the building by walking in the building's front door and out the back door toward the parking lot. He said that, when he was in the vestibule, some unknown person tried to rob him and shot him. Cloude initially claimed not to know the

location from which he was coming when on his way home, but he later changed his answer to say he had been "outside . . . just playing around and lolly gagging . . . with my friends."

He claimed that his putative assailant followed him into the vestibule. He recalled trying to use his cell phone after being shot, but could not because it was "in pieces."

At many points during the interview, Cloude asserted that he could not remember anything else about the shooting, including whether any other persons were in the vestibule of building 5513. An example of Cloude's repeated denials of any memory about the shooting came at one point after he had said that he did not know whether others were present when he was shot. The following exchange took place:

> [Police]: Were other people there though?
>
> [Cloude]: I don't know.
>
> [Police]: Okay. Well, there had to be one other person there, that's the person shooting you up; is that right?
>
> [Cloude]: I don't know, sir.
>
> [Police]: You didn't shoot yourself, did you?
>
> [Cloude]: I don't know, sir. I didn't do anything, sir. I don't know what you're talking about.

Cloude thereafter admitted that someone else shot him and he did not shoot himself. He claimed to not know where on his body or how many times he had been shot. He claimed not to know whether his alleged robber had taken anything from him or whether he was missing any personal property after the shooting.

He also claimed that he could not provide any identifying details about the person who shot him. He claimed that he could not recognize anyone in any of the photographs

the police showed him. When police showed pictures depicting him talking to Mayo prior to the shooting, and later showing Cloude limping away from building 5513 just after the shooting, he claimed that he did not recognize anyone (including himself).

The Motions for Judgment of Acquittal

At the close of the State's case, Cloude's counsel made a motion for judgment of acquittal. In pertinent part, counsel made the following argument to the trial court concerning the sufficiency of the evidence:

> Your Honor, as to the indictment, we have four counts, I believe the first one listing premeditated first degree murder. **I don't [believe] that there has been any evidence at this time that Mr. Cloude fired a shot or murdered Mr. Mayo.** I understand the State's position that it is circumstantial based on the video. But as I stated, there's nothing that would – **no one has identified Mr. Cloude as being involved in this**.
>
> So as to the second count, it's use of a firearm in a crime of violence, there has been no evidence that what the State claims is a firearm was an operable firearm in this case or that it was ever discharged as there were not witnesses to the actual event.

(Emphasis added.)

After the motion was denied, Cloude chose not to put on any evidence. He then renewed his motion for judgment of acquittal, simply incorporating by reference "the arguments previously stated[.]" The trial court again denied Cloude's motion.

The Jury

The jury was instructed that Cloude was charged with the crime of murder, which "includes first degree murder and second degree murder." With respect to second-degree murder, the court instructed the jury, consistent with Maryland Criminal Pattern Jury Instruction 4:17:

> Second degree murder is the killing of another person with either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result. Second degree murder does not require premeditation or deliberation.
>
> In order to convict the defendant of second degree murder, the State must prove that the defendant caused the death of Mr. Mayo, and that the defendant engaged in the deadly conduct either with the intent to kill or with the intent to inflict such serious bodily harm that death would be the likely result.

The court also instructed the jury on the crimes of carrying a handgun, use of a firearm in the commission of a crime of violence, and possessing a regulated firearm when he was under the age of twenty-one.

On the third day of deliberations, the jury sent a note to the judge asking the following question:

> We all agree that the defendant had a gun of some kind and was involved in the incident in some way. However – because of the number of guns fired during the incident – we do not agree on whether or not the defendant fired a shot, or combination of shots, that were fatal to the victim. Can we find him guilty of murder if we have reasonable doubts on whether or not he fired a fatal shot or shots?

The court answered "No" to this note, and the jury continued deliberations but asked for the court to again provide the instructions on first- and second-degree murder, which the court did. Later, the jury sent one more question, asking: "If someone is present at the scene of a murder and has a gun, but does not shoot the bullets that kill the victim, then can that person still be found to be guilty of murder?" The State had not argued—or requested jury instructions regarding—liability based on accessory culpability or felony murder, and the court answered this question "No."

The jury returned a verdict finding Cloude not guilty of murder in the first degree, but guilty of murder in the second degree, and guilty of all three of the gun charges. After sentencing, this appeal followed.

DISCUSSION

Appellant's Sufficiency of the Evidence Argument on Appeal

As noted earlier, Cloude contends that the evidence is legally insufficient to support his conviction for second-degree murder. On appeal, he specifically argues that, given the circumstances of this case, the evidence is insufficient to support a finding that he personally *caused* Mayo's death because it is "impossible to know who" among the available assailants "fired the fatal shots." Therefore, Cloude contends, "no rational trier of fact could have attributed causation to [him] beyond a reasonable doubt without speculating[.]"

His argument is premised on the evidence that multiple assailants were present when Mayo entered the vestibule of building 5513, and the firearms report indicated that at least four different firearms discharged a total of sixteen rounds. Cloude notes that, although eight rounds struck Mayo (and eight rounds missed Mayo), it was not possible for the jury to find beyond a reasonable doubt which, if any, rounds Cloude fired. He also argues that, because the medical examiner testified that only two of Mayo's gunshot wounds were "rapidly fatal[,]" "[o]nly the persons inflicting [those wounds] actually caused Mr. Mayo's death." In a footnote, Cloude asserts that, even if the evidence were sufficient to persuade the jury that "Cloude discharged a firearm in the vestibule, there is no evidence he fired a

shot that caused a non-rapidly fatal wound just as there is no evidence that he caused a rapidly fatal wound."

He argues that:

> There is no rational way to conclude that [he] (1) fired a shot that caused [at least one of the two rapidly fatal wounds], or (2) fired a shot that hit Mr. Mayo at all. Doing so requires a simultaneous finding that the other shooters *did not* cause the fatal wounds. The jury had to speculate here; there was no other way [for the jury to reach a verdict of guilty on the charge of murder]. Consequently, the murder conviction must be vacated based on insufficient evidence of causation.

Citing *Williams v. State*, 117 Md. App. 55, 69-71 (1997), Cloude further asserts that reversal of the murder conviction would also "require[] . . . reversal of the use of a handgun conviction predicated on that felony conviction[.]" Given our resolution of this case, we need not address Cloude's argument in this regard.

Cloude concedes the convictions on Counts 3 and 4 would stand in any event, stating: "Counts 3 and 4 are unchallenged in this appeal."

Preservation

As a preliminary matter, the State urges us to hold that "Cloude has failed to preserve the argument he now makes." The State contends:

> In this case, Cloude did not specifically argue to the trial court that the State had failed to present evidence to prove that the element of causation had been satisfied in support of his motion for judgment of acquittal. Instead, Cloude's trial counsel focused on each crime generally and, to the extent she made any specific argument as to Cloude's murder charges, it was focused on the State's supposed failure to prove Cloude's identity[.]
>
> * * *
>
> By failing to specifically state the manner in which the State had, in his view, failed to meet its burden, Cloude deprived the trial court of the ability to contemporaneously consider the whole scope of his argument, and

> he instead placed the onus on the trial court "to imagine all reasonable offshoots of the argument actually presented to" it. *Sifrit*[*v. State*], 383 Md. [116,] 136 [(2004)]. He cannot now be heard to complain that he is entitled to reversal of his convictions on the grounds that he did not raise with particularity in his motion for judgment of acquittal.

The State cites *Cagle v. State*, 235 Md. App. 593, 604, *aff'd*, 462 Md. 67 (2018), for the oft-repeated principle that Maryland Rule 4-324(a) mandates that a defendant "state with particularity all reasons why the motion [for judgment of acquittal] should be granted." And the State notes that this Court held in *Cagle*, 235 Md. App. at 604, that "review of a claim of insufficiency is available only for the reasons given by appellant in his motion for judgment of acquittal."

We agree with the State that the Supreme Court of Maryland has "been adamant" that the issue of the sufficiency of the evidence is not preserved for appeal if the motion for judgment of acquittal is not made with particularity at trial. *See, e.g.*, *Starr v. State*, 405 Md. 293, 302 (2008), stating:

> A criminal defendant who moves for judgment of acquittal is required by Md. Rule 4-324(a) to "state with particularity all reasons why the motion should be granted[,]" and is not entitled to appellate review of reasons stated for the first time on appeal. *State v. Lyles*, 308 Md. 129, 135-36 (1986); *Muir v. State*, 308 Md. 208, 218-19 (1986); *Graham v. State*, 325 Md. 398, 416-17 (1992).

Accord Wallace v. State, 237 Md. App. 415, 432 (2018) (citing *Lyles*, 308 Md. at 135).

Here, as quoted above, Cloude argued at the close of evidence that there had not been "any evidence . . . that Mr. Cloude fired a shot or murdered Mr. Mayo." As to that specific factual issue, we conclude that Cloude has preserved his sufficiency challenge.

Standard of Review

It is the responsibility of the appellate court, "in assessing the sufficiency of the evidence to sustain a criminal conviction, to determine 'whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" *State v. Manion*, 442 Md. 419, 430 (2015) (further quotation marks and citation omitted) (quoting *Taylor v. State*, 346 Md. 452, 457 (1997)). Our concern is "'whether the verdict was supported by sufficient evidence, direct *or circumstantial*, which could fairly convince a trier of fact of the defendant's guilt of the offenses charged beyond a reasonable doubt.'" *Id*. at 431 (emphasis added) (quoting *Taylor*, 346 Md. at 457). Our purpose is not to "undertake a review of the record that would amount to, in essence, a retrial of the case." *State v. Albrecht*, 336 Md. 475, 478 (1994).

It is up to the finder of fact—here, a jury—to "'choose among differing inferences that might possibly be made from a factual situation. . . .' That is the fact-finder's role, not that of an appellate court." *Smith v. State*, 415 Md. 174, 183 (2010) (quoting *State v. Smith*, 374 Md. 527, 534 (2003)); *accord Ross v. State*, 232 Md. App. 72, 98 (2017) ("[T]he choice of which of these [conflicting] inferences to draw is exclusively that of the fact-finding jury and not that of a court assessing the legal sufficiency of the evidence.").

As a result, "[w]e defer to the jury's inferences and determine whether they are supported by the evidence." *Smith*, 415 Md. at 185. "We do not second-guess the jury's determination where there are competing rational inferences available." *Id.* at 183. "An inference 'need only be reasonable and possible; it need not be necessary or inescapable.'"

Neal v. State, 191 Md. App. 297, 318 (2010) (further quotation marks and citation omitted) (quoting *Smith*, 374 Md. at 539). We do not consider exculpatory inferences because they are "not a part of that version of the evidence most favorable to the State[.]" *Cerrato-Molina v. State*, 223 Md. App. 329, 351 (2015). "We defer to *any possible reasonable inferences* the jury could have drawn from the admitted evidence and need not decide whether the jury could have drawn other inferences from the evidence, refused to draw inferences, or whether we would have drawn different inferences from the evidence." *State v. Mayers*, 417 Md. 449, 466 (2010) (emphasis added); *accord Derr v. State*, 434 Md. 88, 129 (2013), *cert. denied*, 573 U.S. 903 (2014); *Titus v. State*, 423 Md. 548, 557-58 (2011).

"'The limited question before us, therefore, 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.'" *Olson v. State*, 208 Md. App. 309, 329 (2012) (emphasis in original) (quoting *Fraidin v. State*, 85 Md. App. 231, 241 (1991)).

Cloude emphasizes the lack of eyewitness evidence that he fired any shot that struck Mayo, but "Maryland has long held that there is no difference between direct and circumstantial evidence." *Hebron v. State*, 331 Md. 219, 226 (1993). A conviction may be sustained on the basis of circumstantial evidence so long as the circumstances, taken together, support an inference of guilt beyond a reasonable doubt. *Taylor*, 346 Md. at 458. Such inferences "must rest upon more than mere speculation or conjecture." *Smith*, 415 Md. at 185.

In *Smith*, 374 Md. at 534-39, the Maryland Supreme Court catalogued cases emphasizing a fact-finder's ability to choose among "differing inferences that might

possibly be made from a factual situation and the deference we must give in that regard to the inferences a fact-finder may draw." The Court also quoted with approval this summary from a Massachusetts case that stated:

> "We view the evidence and all reasonable inferences therefrom in the light most favorable to the Commonwealth:
>
> > 'An inference drawn from circumstantial evidence "need only be reasonable and possible; it need not be necessary or inescapable."'
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> "Moreover, the evidence and the permissible inferences therefrom need only be sufficient to persuade 'minds of ordinary intelligence and sagacity' of the defendant's guilt. Fact finders are not 'required to divorce themselves of common sense, but rather should apply to facts which they find proven such reasonable inferences as are justified in the light of their experience as to the natural inclinations of human beings.' To the extent that conflicting inferences are possible from the evidence, it is for the fact finder to resolve the conflict.
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> * * *
>
> "The possibility of raising conflicting inferences from the evidence does not preclude allowing the fact finder to determine where the truth lies."

Id. at 539-40 (cleaned up) (quoting *Commonwealth v. Russell*, 705 N.E.2d 1144, 1145-46 (Mass. App. Ct. 1999)).

Second-Degree Murder

Murder remains a common law offense. Second-degree murder is defined by § 2-204 of the Criminal Law Article, Maryland Code (2002, 2012 Repl. Vol., 2020 Supp.), as any murder not in the first degree. The instruction given to the jury in Cloude's case tracks the common law definitions relating to the two types of second-degree murder at issue here, (1) "killing another person (other than by poison or lying in wait) with the intent to kill, but without the deliberation and premeditation required for first degree murder[,]" and

(2) "killing another person with the intent to inflict such serious bodily harm that death would be the likely result[.]" *Burch v. State*, 346 Md. 253, 274 (1997).

"[I]t is permissible under Maryland law to infer an intent to kill or intent to do grievous bodily harm from the use of deadly force[.]" *Thornton v. State*, 397 Md. 704, 735 (2007). "[I]n the process of finding intent to inflict serious bodily harm [such that death would be the likely result], the trier of fact employs an objective standard to determine the reasonable inferences that may be drawn from the defendant's conduct." *Id.* at 740. Directing a deadly weapon at a vital part of the human anatomy "most assuredly can" give rise to a permitted inference of an intent to kill. *Harvey v. State*, 111 Md. App. 401, 413 (1996).

"To warrant a conviction for homicide it must be established that the act of the accused was a proximate cause of death." *Stewart v. State*, 65 Md. App. 372, 378 (1985).

> "To constitute the cause of the harm, it is not necessary that the defendant's act be the sole reason for the realization of the harm which has been sustained by the victim. The defendant does not cease to be responsible for his otherwise criminal conduct because there were other conditions which contributed to the same result."

Palmer v. State, 223 Md. 341, 353 (1960) (quoting 1 Wharton, *Criminal Law and Procedure (Anderson)*, § 68).

The State acknowledges in its brief: "To convict Cloude of murder, the State was required to prove that his conduct caused Mayo's death." "[T]he defendant must have, in some fashion, caused the death of the victim." The State concedes in its brief: "As Cloude observes, the State did not pursue an accomplice liability theory of culpability, and the

jurors were specifically instructed that, to convict Cloude, they must conclude that he fired one or more fatal shots."

The State asserts that the evidence was "legally sufficient to support Cloude's convictions[,]" contending that "the jury could have reasonably inferred that Cloude fired either or both of the rapidly fatal shots suffered by Mayo." In support of this assertion, the State offers this view of the evidence as one possible analysis the jury could have rationally applied:

> As shown on the video evidence presented by the State, before Mayo left the apartment complex [to purchase some snacks], he briefly conversed with Cloude. [After the passage of approximately sixteen minutes,] Cloude, upon noticing that Mayo was returning to the apartment building, entered the vestibule [just ahead of the instant when Mayo entered the vestibule]. Just eleven seconds after Mayo entered the vestibule, [the video shows that] Cloude exited the vestibule and fled, with a handgun visible in his right hand. Mayo's body was ultimately located immediately inside the door to the vestibule that both he and Cloude had entered. Among other gunshot wounds, Mayo suffered a close[-]range, rapidly fatal gunshot wound to his right chest.
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> Regardless of whether there were other shooters elsewhere in the vestibule, the jury could have rationally inferred that, in light of the timing of Mayo's entry and [Cloude's] exit from the vestibule, the location of Mayo's body, and the close-range nature of Mayo's rapidly fatal wound, coupled with Cloude's obvious dishonesty when questioned by detectives about his involvement in Mayo's death, that Cloude was the shooter inflicting close[-]range shots on Mayo, and Cloude had thus inflicted at least one of Mayo's rapidly fatal wounds.

(Citations to the record omitted; paragraph break added.)

We need not determine if we would have found Cloude guilty based upon this specific possible view of the evidence. The question before us is whether any reasonable jury could have rationally adopted such a view of the evidence. *Fraidin*, 85 Md. App. at 241 (stating that the question before the appellate court is "whether the evidence . . .

possibly could have persuaded *any* rational fact finder" (emphasis in original)). We agree with the State that there was evidence that could have supported the State's suggested view, and a rational jury could have reached this conclusion. *Cf. Houston v. State*, 730 N.E.2d 1247, 1249-50 (Ind. 2000) (affirming conviction in a case with somewhat similar factual disputes and no eyewitness to the murder).

Even though it may have been possible for a jury to draw the inference that some other person or persons shot Mayo, that is of no moment to our analysis of the legal sufficiency of the evidence because "[c]hoosing between competing inferences is classic grist for the [fact-finder] mill." *Cerrato-Molina*, 223 Md. App. at 337. "As we assess the legal sufficiency of the evidence, our focus . . . is not on what the [fact-finder] **should** have believed. It is on what the [fact-finder] **could** have believed." *Ross*, 232 Md. App. at 84 (emphasis in original).

During Cloude's closing argument, his counsel shared some comments regarding the ballistics report and observed that "most of the projectiles[] were fired with firearm A, as she calls it[,]" adding the jury could "assume it's a .45." On rebuttal, the prosecutor responded by telling the jury:

> Now, there is – something that the defense and I agree about, that the bullets from inside of Mr. Mayo that were recovered . . . were all .45. They were all .45. And not just a .45, the same .45. That was one gun.
>
> * * *
>
> The evidence from the crime scene, the evidence from the autopsy, all say the same thing. That the .45 killed Mr. Mayo. And the video shows that it was Mr. Cloude that was doing it, because of the location of where he was in proximity to the door, as fast as he got out of the door and the gun swinging in his hand as he's running away.

In contrast to the other persons present in the vestibule, Cloude is the one who: (1) spoke with the victim minutes before the shooting, (2) was seen holding a pistol seconds after the shooting, (3) was struck by gunfire seconds after Mayo followed him into the vestibule, (4) was apparently the only person close enough to Mayo to be struck by gunfire, and (5) blatantly lied to the police about the shooting and his presence. Considering the evidence in the light most favorable to the State, an inference that Cloude fired at least one fatal round into the victim is legally permissible.

From the fact that Cloude engaged in some verbal exchange with Mayo within twenty minutes prior to the shooting, seconds after one of the men in the vestibule had said something about Mayo's shoes, the jury could draw the inference that Cloude had some contact with Mayo prior to the shooting. From the fact that Cloude was the only person who engaged in a one-on-one verbal exchange with Mayo—a person whom Cloude professed not to know—immediately after someone in Cloude's group had made a comment about Mayo's shoes (which Mayo's girlfriend described as "horrendous shoes"), the jury could have inferred that the nature of the verbal exchange was confrontational. That inference would have been supported by evidence that Cloude and his cohorts appeared to be lying in wait for Mayo to return. From the fact that Cloude emerged from the vestibule wounded and holding a pistol just seconds after the gun battle in the vestibule, the jury could draw the rational inference that Cloude was involved in the gun battle that caused Mayo's death. From the inference that Cloude was involved in the gun battle, and then exited the vestibule with a gun in his hand eleven seconds after Mayo went through the vestibule door, the jury could draw the inference that Cloude fired his pistol during the

skirmish. From the medical examiner's testimony about Mayo's gunshot injuries and the firearms expert's testimony about the weapons, the jury could draw the rational inference that Cloude shot Mayo at least once with a .45 caliber firearm. From the fact that Mayo's body was found lying right inside the door from which Cloude (and only Cloude) exited the vestibule, the jury could have rationally inferred that Cloude fired the close-range shots that struck Mayo, including a shot that was rapidly fatal.

From the fact that, during an interview that occurred five days after the shooting, Cloude blatantly lied to the police about what occurred in the vestibule, the jury could draw the inference that Cloude was conscious of his guilt. And it has been held that a false explanation is relevant evidence of consciousness of guilt and '"thus of guilt itself.'" *Williams v. State*, 3 Md. App. 58, 61 (1968) (quoting Wigmore, Evidence § 276 (3d ed. 1940)); *see also Wilkerson v. State*, 88 Md. App. 173, 181 (1991) ("Once the various explanations of the appellants are stripped away as utterly disbelieved, as was the jury's prerogative, what remained was" strong evidence of the appellants' guilt.).

No evidence adduced at trial detracts from the direct evidence in this case that Cloude spoke with Mayo before the shooting, that Cloude was present at the crime scene, that Cloude held a pistol in his hand seconds after the shooting, that Cloude was shot, that Cloude was the only person to exit through the door where Mayo's body lay, and that Cloude lied to the police. That it is possible that there were other first-degree principals to the killing does not make the evidence any less sufficient to support the jury's inference—after weighing all of the evidence—that Cloude was one of the principals to this murder.

The evidence and the rational inferences that the jury could possibly have reasonably drawn therefrom, when taken together and viewed in the light most favorable to the State, were sufficient for the jury to find beyond a reasonable doubt that Cloude murdered Mayo.

Consequently, we affirm the judgments of the circuit court.

JUDGMENTS OF THE CIRCUIT COURT FOR BALTIMORE CITY AFFIRMED. COSTS TO BE PAID BY APPELLANT.