

Circuit Court for Baltimore City
Case No. 123212001

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1989

September Term, 2024

KERIN AVILES-ALVAREZ

v.

STATE OF MARYLAND

Wells, C.J.,
Nazarian,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.

Filed: July 10, 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).

On the evening of April 3, 2023, Baltimore City police responded to the scene of a shooting at the 6300 block of Eastern Avenue and found Edgar Bonilla lying on the porch of an Imla Street home with a gunshot wound to his torso. Later that evening, Mr. Bonilla died from his injuries. Police launched an investigation into his death, and in July 2023, a grand jury indicted Kerin Aviles-Alvarez for multiple crimes in connection with the shooting. After a five-day trial, a jury in the Circuit Court for Baltimore City convicted Mr. Aviles-Alvarez on all charged counts. He appeals from his convictions for first-degree murder and use of a firearm in the commission of a crime of violence, arguing that the State presented legally insufficient evidence at trial to support those convictions. We affirm.

I. BACKGROUND

In July 2023, a grand jury indicted Mr. Aviles-Alvarez on four counts in connection with the fatal shooting of Mr. Bonilla: (1) first-degree murder, in violation of the common law and Md. Code (2002, 2021 Repl. Vol., 2025 Cum. Supp.), § 2-201 of the Criminal Law Article (“CR”); (2) use of a firearm in the commission of a crime of violence or a felony, in violation of CR § 4-204; (3) possession of a regulated firearm by a person under the age of twenty-one, in violation of Md. Code (2003, 2022 Repl. Vol., 2025 Cum. Supp.), § 5-133(d) of the Public Safety Article (“PS”); and (4) wearing, carrying, or transporting a handgun on or about his person, in violation of CR § 4-203. A year later, in June 2024, the circuit court held a five-day trial. Fourteen witnesses testified and the State introduced over thirty exhibits. We summarize the relevant testimony and describe the relevant evidence below.

The State began calling its witnesses on the second day of trial. The *first* witness to testify was Thomas Welch, who resides in Baltimore City. Mr. Welch testified that on April 3, 2023, a Ring camera attached to the rear of his home captured video of an individual coming up the alley between Hornel Street and Imla Street and placing something into his neighbor’s recycling bin. He testified that he sent the Ring camera footage to Detective Smothers of the Baltimore City Police Department (“BPD”). The State offered the footage into evidence and, with the court’s permission, published it to the jury.

Sergeant Eric Johnson of the BPD testified *next*. He testified that on April 3, 2023, he responded to a reported shooting at the 6300 block of Eastern Avenue while working as a patrol supervisor. When he arrived, Sergeant Johnson said, he activated his body-worn camera, checked on the patrol officers who had arrived before him, attempted to establish order, and started looking for the crime scene. As he was doing so, he explained, a woman approached him and told him that there was a gun in a trash can in a nearby alley. Sergeant Johnson testified that upon hearing this, he walked down the alley and started searching immediately for the gun. He said that he found a handgun in a blue recycling can and called for Detective Neubauer, who was close by and in plain clothes, to stand by the can and guard the evidence until he could get a uniformed officer to take over.

The State showed Sergeant Johnson a map, which he identified as a map of the 6300 block of Eastern Avenue and Imla Street—the crime scene. The court received the map into evidence along with Sergeant Johnson’s body-worn camera footage, a still shot from that footage picturing the trash can where he found the handgun, and a photo of the handgun

inside of the trash can. On the map of the crime scene, Sergeant Johnson pointed out a 7-Eleven on Eastern Avenue and the alley between Imla and Hornel, where he discovered the gun. He then narrated his body-worn camera footage as the State published it to the jury. By Sergeant Johnson's account, the footage showed him handing crime scene tape to another officer, Officer Sampson, so that Officer Sampson could cordon off the alley while Sergeant Johnson walked up the alley to search for the gun. The footage showed Detective Neubauer approaching, Sergeant Johnson opening the trash can to look for the gun, and Sergeant Johnson asking Detective Neubauer to stand by the trash can while he attempted to find out the address of the home to which the can belonged and to find a uniformed officer to take the detective's place. Sergeant Johnson testified that Officer Sampson took over guarding the can eventually and that afterward, he (Sergeant Johnson) remained on the scene until the crime lab and District Detective Unit ("DDU") responded to recover the handgun. On cross-examination, he clarified that he responded initially to the 7-Eleven on Eastern Avenue at around 7:30 pm and that the alley where he found the handgun runs adjacent to the 7-Eleven. He stated that the woman who informed him of the gun in the trash can told him that an individual in a collared button-up or dress shirt placed it there.

BPD Officer Byron Sampson testified *third*. Officer Sampson testified that he responded solo to a call about the April 3, 2023 shooting at the 6300 block of Eastern Avenue while working as a patrol officer. He testified that when he arrived on the scene, he set up crime scene tape and spoke with Sergeant Johnson, who asked him to stand by a trash can in the alley between Hornel Street and the 7-Eleven. According to Officer

Sampson, he and Sergeant Johnson set up crime scene tape around the trash can and waited in the alley until the crime lab responded to collect the evidence.

During Officer Sampson’s testimony, the State offered into evidence and the court received several excerpts from his body-worn camera footage from April 3, 2023 and a photograph of the handgun Sergeant Johnson found in the trash can. Officer Sampson pointed out on the crime scene map the parking lot of the 7-Eleven, where he responded initially on the date of the shooting, and the alley where Sergeant Johnson found the handgun, depicted on the map between the 7-Eleven to the right and Hornel Street to the left. He identified photographs of the trash can containing the firearm and narrated the excerpts from his body-worn camera footage as the State published them to the jury. He explained that one of the excerpts pictured DDU or homicide detectives and a crime lab technician taking photographs of the handgun after arriving on site. By Officer Sampson’s account, he then “rendered the firearm safe” by ensuring that there were no live rounds in the chamber. Officer Sampson testified that while rendering the gun safe, he discovered a spent shell casing inside. He identified a photograph already in evidence as a picture of the handgun and the casing he found.

Officer Sampson continued his narration as the State published another excerpt from his body-worn camera footage to the jury. He explained that he didn’t find a magazine in the handgun while rendering it safe and that this second excerpt showed him and other officers searching for the magazine inside the trash can. He stated that they did not find the magazine. Officer Sampson testified that the officers then began taking down the crime

scene tape around the trash can and that as they did so, a resident of the neighborhood stopped him and advised him to look in another can. He narrated the body-worn camera footage as it showed him checking the second trash can, finding a live round, and calling dispatch to inform his supervisor and ask for the crime lab technician to return. He identified a photograph—already in evidence—of the trash can where he found the live round. On cross-examination, he clarified that the trash can where he found the live round was “maybe three or four houses down” from the trash can where Sergeant Johnson found the handgun, on the same side of the alley.

The *fourth* witness to testify was Crime Laboratory Technician Supervisor Alan Damiani. Technician Damiani began his testimony by explaining the role of BPD’s Crime Scene Unit. He explained that members of that unit respond to crime scenes to document, collect, and preserve physical evidence. He testified that on April 3, 2023, he responded to the 6300 block of Eastern Avenue and met with Officer Jimenez, the primary officer on the scene who put in the request for a crime scene technician, and BPD Detective Reddy. Technician Damiani testified that Officer Jimenez and Detective Reddy showed him video footage from the 7-Eleven and that he then began canvassing the area. He found some suspected blood in front of the 7-Eleven, took photographs of the area around the 7-Eleven, put down evidence markers, retook the photographs, and processed the 7-Eleven for fingerprints based on the footage that Officer Jimenez and Detective Reddy showed him.

After processing the area in and around the 7-Eleven, Technician Damiani testified, he proceeded to the alley behind Imla Street—which was taped off when he arrived—to

meet with BPD Detectives Smothers and Reddy and Officer Sampson. He testified that the detectives and Officer Sampson told him about an item in a recycling can behind 422 Imla Street. Upon opening the can, he discovered a firearm. Technician Damiani said that he took photographs of the firearm, recovered it, and then moved to 435 Imla Street, where Officer Jimenez told him officers had found the victim. There he found, photographed, and collected several items of evidence, including a cell phone, some articles of clothing, a towel, and a pillow. He then returned to the alley behind Imla Street to collect evidence that officers discovered in a trash can behind 406 Imla Street.

The State offered into evidence several of the photographs that Technician Damiani took of the crime scene, including photos of the 7-Eleven, the firearm found in the trash can in the alley behind Imla Street, the cartridge (*i.e.*, live round) recovered from the trash can behind 406 Imla Street, and the clothing and cellphone recovered from 435 Imla Street. The court received the photos, as well as the physical firearm, cartridge, and cartridge case recovered at the scene, into evidence without objection. Technician Damiani then pointed out the 7-Eleven and 422 Imla Street, where he recovered the firearm, on the crime scene map. Finally, Technician Damiani testified that he later processed both the cartridge recovered from the crime scene and the empty cartridge case recovered from the chamber of the firearm for fingerprints and that he swabbed the cartridge for DNA but didn't process the DNA himself. He explained that he didn't process the firearm itself and that he wasn't able to recover any suitable fingerprints from the cartridge or cartridge case. After processing the cartridge and cartridge case, Technician Damiani photographed those items

and the firearm and packaged each item individually to send to the Evidence Management Unit to be stored for further testing.

Officer Jarreyny Jimenez, the *fifth* witness to testify, kicked off the third day of trial. Officer Jimenez testified that while working patrol on the evening of April 3, 2023, at around 7:30 pm, she responded to a report of a shooting at the 6300 block of Eastern Avenue. As the primary (first) officer on scene, she secured the scene with another officer and started gathering information. She and her fellow officer found Mr. Bonilla on the ground at 435 Imla Street, rendered aid, and called for medical personnel to respond to the scene. The court received footage from Officer Jimenez’s body-worn camera into evidence.

Assistant Medical Examiner Edernst Noncent, who performed an autopsy on Mr. Bonilla on April 4, 2023, testified *next*. The court accepted Dr. Noncent without objection as an expert in the field of forensic pathology and the State offered his autopsy report and several autopsy photos into evidence. Dr. Noncent testified that during the autopsy, he identified a single injury: a gunshot wound to the torso. He explained that the wound showed no evidence of close-range firing (such as soot deposition or gunpowder stippling). He testified also that the wound was a “through and through,” meaning that the bullet entered Mr. Bonilla’s body through his chest and exited through his back, leaving no ballistics evidence inside his body for recovery. Dr. Noncent opined that the wound was “rapidly fatal,” meaning that it would be “quick to cause death” without immediate medical attention. He opined that the cause of Mr. Bonilla’s death was a gunshot wound to the torso and that the manner of his death was homicide.

Then Mr. Aviles-Alvarez's mother testified. She testified that she spoke with BPD Detectives Smothers and Ali in April 2023 and that they showed her several photographs. The court received those photographs into evidence. On the stand, Mr. Aviles-Alvarez's mother stated that the person in one of the photographs looked like her son but that she couldn't tell for sure if it was him. After refreshing her recollection with a recording of her police interview outside the presence of the jury, she testified that she told the detectives during the interview that three of the five photographs they showed her were of her son but "couldn't recognize him very well" in the remaining two. She recalled speaking with the detectives about a tattoo on her son's right hand and identified Mr. Aviles-Alvarez as her son in the courtroom. On cross-examination, she identified the individual in the first three photographs shown to her by the detectives as her son and stated that she recognized the location of the photos as the 7-Eleven on Eastern Avenue. As for the remaining two photographs, which showed an individual in an alley outside the 7-Eleven store, she said she had a hard time identifying the individual during her police interview because the photos were dark but that day, as she was testifying, she knew the individual depicted in the photos was her son.

The State's *eighth* witness was Darcy Machado, an employee of BPD's Forensic Science and Evidence Services Division. Ms. Machado testified that in April 2023, she was assigned to the Division's Forensic Processing Unit, which screens evidence for biological material and processes evidence for fingerprints. In that role, she processed a firearm related to the investigation into Mr. Bonilla's death. She identified the handgun admitted

into evidence previously as that same firearm. She testified that she received a cartridge casing along with the firearm but didn't process it because the Forensic Processing Unit doesn't process casings. When processing the firearm, she testified, she first examined it for blood or other biological material but didn't find any. She then swabbed the gun for potential epithelial cells (*i.e.*, skin cells) and processed it for latent fingerprints. Ms. Machado testified that she did not obtain any latent prints and that she packaged the swabs to be transferred with the gun to the Firearms Unit.

The *next* witness was Taylor Hall, a forensic scientist working in the Forensic Biology Unit of the Baltimore City Crime Lab. Ms. Hall explained that she works for the Unit as a serologist, meaning that she screens evidence for biological material and identifies suitable samples for skin cell and saliva collection. After a brief *voir dire*, the court accepted Ms. Hall as an expert in serology. Ms. Hall testified that in this case, she received swabs from items processed previously: a firearm and a live round of ammunition. She received two standards (DNA samples from known individuals) as well: a blood card from Mr. Bonilla and oral swabs from Mr. Aviles-Alvarez. She testified that she cut a portion from each swab and each standard and placed the cuttings into tubes for storage.

Deputy Sean Neubauer of the Harford County Sheriff's Office—formerly Detective Neubauer of the BPD—testified *next*. Deputy Neubauer testified that on April 3, 2023, he was working for the BPD as an evening shift detective. He responded to the scene of the shooting around 7:30 pm and encountered medics rendering aid to Mr. Bonilla, who was lying on the porch of a home, before he and other detectives began canvassing for witnesses

and surveillance cameras. At some point, Deputy Neubauer said he encountered Sergeant Johnson, who asked him to stand by a garbage can in an alley alongside the 7-Eleven, where the Sergeant had discovered a handgun. Deputy Neubauer observed the handgun “on top of a pile of recycling inside of the can.” The State offered Deputy Neubauer’s body-worn camera footage into evidence, published it to the jury, and asked him to identify a photo of the handgun that was received in evidence previously. On cross-examination, he explained that the house where he saw Mr. Bonilla on the porch was about “one city block” away from the alley where police recovered the handgun and that the 7-Eleven was between those two locations. He stated that to his knowledge, no one touched the firearm before it was recovered.

Sergeant Erick Ohmstede of the BPD’s Homicide Section testified as the State’s *eleventh* witness. On April 3, 2023, Detective Ohmstede was working the evening shift as the Detective Sergeant in charge of the DDU. He responded to the scene of the shooting and officers who arrived before him directed him to the porch of 435 Imla Street, where Mr. Bonilla was lying. Sergeant Ohmstede began documenting his observations and noted several items on the porch, including a cellphone, clothing, towels, and suspected blood. He testified that he then shifted to managing the scene, which involved supervising officers, making sure that a crime lab technician was on the way, and ensuring that Mr. Bonilla was receiving medical aid. After medical personnel transported Mr. Bonilla to the hospital, Sergeant Ohmstede said, he moved to the alley on the even side of Imla Street, where officers directed him to a trash can containing a firearm. He saw that the firearm was

jammed or had malfunctioned, with the slide stuck in a backwards position, and that when Officer Sampson racked the slide while rendering the firearm safe, a spent cartridge casing fell out. He testified that officers recovered a round of live ammunition from another trash can, but he did not recall finding another cartridge casing despite “searching the area of the crime scene for quite some time.” After searching the crime scene, he moved to the area in front of the 7-Eleven to assist other officers.

Sergeant Ohmstede pointed out 435 Imla Street, the areas he canvassed for casings or cartridges, and the 7-Eleven parking lot on the crime scene map. He testified that he canvassed the 7-Eleven parking lot based on information from officers who had an opportunity to review security footage that they believed had “captured partial bits of the incident.” He identified photographs (already in evidence) of the firearm and the trash can where officers discovered it and confirmed that at some point a crime scene technician arrived on scene. The Sergeant concluded his testimony by stating that when Homicide Detectives Smothers and Parker arrived, he briefed them on his observations and handed his notes over to Detective Smothers. On cross-examination, he explained that he viewed security footage of the inside and outside of the 7-Eleven briefly while at the crime scene.

On the fourth day of trial, the State’s final three witnesses testified, starting with forensic scientist Christa Wheeler of the BPD’s Crime Lab. The court accepted Ms. Wheeler without objection as an expert in DNA examination and analysis. Ms. Wheeler explained that as a forensic scientist, she analyzes DNA samples obtained from crime scene evidence and compares them to known standards. For this case, Ms. Wheeler testified, she

received swabs from a handgun and a live round, oral swabs from Mr. Aviles-Alvarez, and a blood card from Mr. Bonilla. She said that the swab from the live round yielded an insufficient quantity of DNA for analysis but that the swab from the handgun yielded a DNA mixture consistent with at least two individuals. Based on a statistical analysis, she determined that Mr. Aviles-Alvarez “matche[d] an inferred genotype” found in the sample or, more specifically, that “a match between Mr. Aviles-Alvarez and the inferred genotype [was] 159 quadrillion times more probable than a coincidental match to an unrelated individual in the population.” Her analysis excluded Mr. Bonilla as a contributor to the mixture. Ms. Wheeler testified that she did not compare the swabs from the gun or the live round to any other standards. On cross-examination, she clarified that the sample from the handgun was a mixture of DNA from at least two individuals but that it was possible that there could have been additional contributors. She confirmed that DNA analysis reveals only whether a person’s DNA is present on an item, not when or how it got there.

The State’s *thirteenth* witness was Daniel Lamont, forensic scientist and firearms examiner for the Firearms Unit of the BPD’s Crime Lab. With no objection, the court accepted Mr. Lamont as an expert in firearms operability and microscopic comparison. Mr. Lamont explained for the jury how firearms operate generally and described the components of a cartridge and the procedure for examining a firearm for operability. In this case, Mr. Lamont testified, he performed operability testing on a semiautomatic firearm. He test-fired the weapon and determined that the firearm was operable and “fired as it was designed to.” He identified the firearm admitted into evidence previously as the

weapon he examined and identified the cartridge and casing. Mr. Lamont testified that he didn't perform any testing on the casing or any microscopic comparison between the casing and a casing from a test-fired bullet. He explained for the jury what it means for a firearm to be "stove piped." According to Mr. Lamont, stove piping occurs when a firearm doesn't cycle fully, and a casing becomes trapped in the chamber. Mr. Lamont clarified that it is still possible for a projectile to emerge from the muzzle of a stove piped gun. Lastly, Mr. Lamont explained that the firearm he examined for this case was manufactured by Polymer80, a company that sells guns as kits that must be assembled by the purchaser. He explained also that it's common for a Polymer80 handgun to "not function 100 percent the way it's supposed to" due to errors committed by the purchaser during assembly. On cross-examination, Mr. Lamont confirmed that he couldn't tell the jury when the handgun was last fired before he received it for testing.

Homicide Detective Marcus Smothers testified as the State's *fourteenth and final* witness. Detective Smothers testified that he was the primary, or lead, detective responsible for the investigation into Mr. Bonilla's death. He responded to the scene with his partner, Detective Parker, at around 10:00 pm after receiving a call indicating that Mr. Bonilla had been shot and had succumbed to his injuries. He testified that upon his arrival, he spoke to Sergeant Ohmstede about what the officers on scene had discovered during their investigation so far and spoke also to Technician Damiani, who had processed the crime scene. Detective Smothers learned that officers had located physical evidence on the porch of 435 Imla Street and had discovered a handgun in the rear even side alley of Imla Street.

He then surveyed the scene and reviewed surveillance footage from the interior and exterior cameras of the 7-Eleven. The Detective testified that the footage showed a possible suspect at the 7-Eleven “with other persons” and that the footage from the exterior cameras was blurry. He received the Ring camera footage from 419 Hornel Street from Detective Parker, who had received it from the homeowner. According to Detective Smothers, the footage showed a suspect traversing the alley between Hornel Street and Imla Street and placing something into a trash can, where BPD personnel later recovered a firearm. Detective Smothers pointed out the locations of the trash can (at 422 Imla Street) and the Ring camera (at 419 Hornel Street) on the crime scene map. The State offered screenshots of the Ring camera footage into evidence and published them to the jury with the court’s permission. Detective Smothers described the screenshots as depicting “zoomed in view[s]” of “a suspect opening a trash can”; “the suspect putting his hand inside of said trash can”; “the suspect leaving the trash can or fleeing away from the trash can in the alley”; and “a continuation of the suspect running through the alley away from the trash can.”

The day after the shooting, Detective Smothers explained, he learned of additional footage from a liquor store at 6400 Eastern Avenue and went back to recover that footage and to canvass the area with Detective Parker. The State introduced footage from the liquor store’s exterior camera facing Eastern Avenue, and the Detective narrated the footage while the State published it to the jury. According to Detective Smothers’s narration, the footage showed Mr. Bonilla walking past the 7-Eleven around 7:24 pm and looking back at the suspect and other individuals who had been inside the 7-Eleven with the suspect. It then

showed the suspect following Mr. Bonilla alone, walking to the corner of Eastern Avenue at the mouth of the alley between the rear even side of Imla Street and the rear odd side of Hornel Street in the 400 block, raising his arm, and then running down the alley as the suspect's associates reacted to something and ran back toward the 7-Eleven. Detective Smothers explained that 419 Hornel Street, the house with the Ring camera, would have been about halfway up the alley where the suspect fled. At some point around 7:26 pm, he narrated, the footage showed Mr. Bonilla running back across the 7-Eleven parking lot towards Imla Street, "where his house would be halfway down the street." Detective Smothers pointed out the location of the liquor store's exterior camera on one of the crime scene photographs taken by Technician Damiani and sponsored the admission of several screenshots from the liquor store surveillance video.

Detective Smothers then testified about the footage he pulled from the 7-Eleven. He testified that he received interior and exterior video footage from one of the store's DVR systems (the footage DDU detectives showed him when he arrived on scene the evening of the shooting) from Detective Reddy and pulled that same footage himself the day after the shooting along with interior footage of better quality from a second DVR system. The court accepted into evidence without objection footage from both systems, as well as still shots from that footage. Detective Smothers then described the still shots as the State published them for the jury, starting with the shots from the second DVR system. These still shots showed the suspect, who was wearing a white shirt, blue jeans, white tennis shoes, a blue hat, and a black mask—the same clothes worn by the suspect in the liquor store footage—

from multiple angles. In some of the shots the suspect stood at the counter and pointed at something behind the register, and Detective Smothers noted for the jury a tattoo on the suspect's right hand. Some of the interior still shots from the first DVR system pictured the suspect and his associates inside the store as well. One of the exterior shots pictured the rear alley of Imla Street and Hornel Street and the suspect running down the alley, and other shots showed Mr. Bonilla, the suspect, and his associates outside in front of the 7-Eleven. Detective Smothers identified screenshots from the footage he pulled during the investigation as those he showed to Mr. Aviles-Alvarez's mother during their interview and sponsored the admission of photographs of Mr. Aviles-Alvarez's right hand, which the Detective described as bearing a tattoo similar to the one on the right hand of the suspect in the 7-Eleven surveillance footage.

On cross-examination, Detective Smothers described the location of the liquor store as west of the 7-Eleven, across Imla Street. He explained that based on the direction Mr. Bonilla was traveling in the liquor store footage, he would have been walking away from the direction of the liquor store and Imla Street and toward the 7-Eleven. He explained also that in the liquor store footage, as the suspect approached the corner of Eastern Avenue at the mouth of the alley between Imla and Hornel Street and raised his arm, Mr. Bonilla was out of the view of the camera. Detective Smothers clarified that the Ring camera footage pictured the same suspect running down the alley and placing something in the trash can and that during his investigation, he compared the video footage from the 7-Eleven, liquor store, and Ring camera to ensure that "they all lined up sequentially in time" and showed

“a continuous incident.” He testified that in this sequence, Mr. Bonilla’s reappearance in the liquor store footage occurred “less than five minutes” after the events captured by the Ring camera, and he testified that Mr. Bonilla was “hobbling” when he reappeared and “appeared to be in distress” as he moved eastward across the 7-Eleven parking lot toward Imla Street. Finally, he testified that while canvassing the crime scene, he did not find a blood trail or any ballistics evidence. On redirect, he testified that BPD received no additional reports of shots fired at the 6300 block of Eastern Avenue on April 3, 2023.

After Detective Smothers testified, the State rested. Mr. Aviles-Alvarez moved for judgment of acquittal on Count I, first-degree murder, and Count II, use of a firearm in the commission of a crime of violence. He argued that the State hadn’t put forward sufficient evidence to prove that he was the person who fatally shot Mr. Bonilla:

[DEFENSE COUNSEL]: . . . At this particular point, your Honor, we would argue . . . that the State has not provided sufficient evidence particularly as to Count One, which would be first-degree murder and Count Two, use of a firearm in the commission of a violent [crime].

* * *

Let’s say Mr. [Aviles-Alvarez] goes to the stop sign, points a gun . . . fires the gun . . . down Eastern Avenue. That is the evidence that we have in this particular case.

We don’t know where . . . at this point, Mr. Bonilla is. . . . [O]bviously he’s shot, he appears a few minutes later. Goes to the address on Imla Street. . . . And then basically collapses on the doorstep. So, somebody shoots Mr. Bonilla. We don’t contest that.

But the obligation of the State is to provide some evidence that the fatal wound or the—a wound, a gunshot wound to Mr. Bonilla, or a wound sufficient to cause death to Mr. Bonilla, was caused by the artificial action of Mr. [Aviles-Alvarez]. In this case, we would argue that there is no . . . evidence that the

shot that caused the unfortunate death of Mr. Bonilla was instigated or caused by Mr. [Aviles-Alvarez]. . . . That goes to Counts One and Two.

Now, the Counts Three and Four, which is use of a handgun and wear, carry, and transport, are a little different because the jury . . . could find in one point that Mr. [Aviles-Alvarez] had a firearm and pointed it down Eastern Avenue and pulled the trigger, but they're going to find it didn't hit Mr. Bonilla or he was not shot at that particular time.

* * *

I could argue that, there's no evidence that the fatal shot came from Mr. [Aviles-Alvarez] in regard to Mr. Bonilla. That Mr. [Aviles-Alvarez] did not handle at some point the firearm found in the trash can.

So, I would acknowledge that my argument would be that Counts One and Two shouldn't go to the jury.

The court denied Mr. Aviles-Alvarez's motion. The defense rested without calling additional witnesses or offering additional evidence and renewed the motion for judgment of acquittal on the same grounds, and the court denied the motion again. The court instructed the jury on the applicable law and the parties gave their closing arguments. After deliberating for less than three hours the following day, the jury convicted Mr. Aviles-Alvarez on all four counts. On November 21, 2024, the court sentenced Mr. Aviles-Alvarez to life imprisonment for Count One, first-degree murder; a mandatory minimum five-year sentence for Count Two, use of a firearm in the commission of a crime of violence, to be served consecutive to the life sentence without the possibility of parole; and five years concurrent with the first five-year sentence for Count Three, illegal possession of a regulated firearm by a minor. Count Four merged with Count Three. Mr. Aviles-Alvarez appealed timely from his conviction and sentence.

II. DISCUSSION

Mr. Aviles-Alvarez presents one question for review, which we rephrase: Did the State present sufficient evidence to support his convictions of first-degree murder and use of a firearm in the commission of a crime of violence?¹ We hold that it did.

When this Court reviews a claim of evidentiary insufficiency, we ask “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. Smith*, 374 Md. 527, 533 (2003). We defer to, and do not “second-guess,” the jury’s decision to credit one rational inference over another. *Smith v. State*, 415 Md. 174, 183 (2010). We defer likewise to the jury’s “findings 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.” *Gambino v. State*, 269 Md. App. 85, 111 (2026) (*quoting Smith*, 374 Md. at 534). “The same standard applies to all criminal cases, including those resting upon

¹ Mr. Aviles-Alvarez phrased his Question Presented as follows: “Was the evidence legally insufficient to support Appellant’s convictions for murder in the first degree and use of a firearm?”

The State phrased its Question Presented as follows: “To the extent preserved, was the evidence sufficient support Mr. Aviles-Alvarez’s convictions of first-degree murder and use of a firearm in the commission of a crime of violence?”

circumstantial evidence” *Smith*, 374 Md. at 534.²

First, Mr. Aviles-Alvarez argues that the evidence presented by the State at trial was insufficient to support his conviction of first-degree murder. The Maryland Code defines first-degree murder, in part, as “a deliberate, premeditated, and willful killing.” CR § 2-201(a)(1). To support Mr. Aviles-Alvarez’s first-degree murder conviction, the State needed to prove that he (1) caused Mr. Bonilla’s death (2) deliberately, (3) willfully, and (4) with premeditation. *See Pinkney v. State*, 151 Md. App. 311, 331 (2003) (splitting first-degree murder into four elements: causation, willfulness, deliberation, and premeditation). Mr. Aviles-Alvarez doesn’t argue on appeal that the State failed to prove willfulness, deliberation, or premeditation—he asserts only that it failed to prove causation.

Mr. Aviles-Alvarez contends that although the State may have proved, at most, that he was in possession of a firearm on the night of April 3, 2023, it failed to prove that he shot and killed Mr. Bonilla. He asserts that no reasonable jury could have found that he

² Relying on the opinion of our Supreme Court in *Taylor v. State*, 346 Md. 452 (1997), Mr. Aviles-Alvarez asserts that in a criminal case resting on circumstantial evidence, “when the evidence equally supports two versions of events, and a finding of guilt requires speculation as to which of the two versions is correct, a conviction cannot be sustained.” *Id.* at 458 (citation omitted). In *Smith*, however, the Supreme Court noted that “it is well established that the [*Taylor* standard] is not the focus of the standard to be applied when reviewing the sufficiency of the evidence in criminal cases.” 415 Md. at 183. Instead, as we explained in *Ross v. State*, 232 Md. App. 72 (2017), in a case resting on circumstantial evidence, “if two inferences reasonably could be drawn, one consistent with guilt and the other consistent with innocence, the choice of which of these inferences to draw is exclusively that of the fact-finding jury and not that of a court assessing the legal sufficiency of the evidence.” *Id.* at 98. “The State is **NOT** required to negate the inference of innocence. It is enough that the jury must be persuaded to draw the inference of guilt.” *Id.* (emphasis in original).

caused Mr. Bonilla’s fatal injury beyond a reasonable doubt because the State “failed to present any ballistic evidence connecting the firearm [recovered from the crime scene] to Mr. Bonilla’s wound,” any “evidence that [he] fired anything in [Mr. Bonilla’s] direction,” or any “evidence of Mr. Bonilla’s location when [Mr. Aviles-Alvarez] raised his arm in the manner the State characterized as firing a shot.” The State counters that Mr. Aviles-Alvarez failed to preserve his ballistics evidence argument. And to the extent that he did preserve his arguments about the insufficiency of the evidence at trial, it asserts, those arguments fail. We agree with the State and hold that even if Mr. Aviles-Alvarez did preserve his ballistics evidence argument, the evidence at trial was sufficient to support his conviction.

Even without any ballistics evidence, the State presented sufficient evidence at trial for a reasonable jury to find that Mr. Aviles-Alvarez caused Mr. Bonilla’s death beyond a reasonable doubt. *See Smith*, 374 Md. at 533. The State offered into evidence surveillance footage from the interior and exterior cameras of the 7-Eleven at the 6300 block of Eastern Avenue and the exterior camera of the liquor store adjacent to and across Imla Street from the 7-Eleven, as well as still shots of the footage from each camera. As Detective Smothers testified, when pieced together in sequence, that footage showed a suspect wearing a black mask, blue hat, white collared shirt, blue jeans, and white tennis shoes inside the 7-Eleven store with several associates; Mr. Bonilla walking across the 7-Eleven parking lot from the direction of Imla Street and towards the corner of Eastern Avenue and the alley between Imla and Hornel Street at around 7:24 pm; the suspect and his associates exiting the 7-Eleven and the suspect following Mr. Bonilla alone to the corner; the suspect stopping at

the corner and raising his arm in the direction Mr. Bonilla—by then out of view of the camera—had traveled; the suspect’s associates reacting to something and running back toward the 7-Eleven store; the suspect fleeing down the alley between Imla and Hornel; and Mr. Bonilla, who seemed to be “hobbling” and “in distress,” reappearing around 7:26 pm and traveling back toward Imla Street.

The State offered also footage from a Ring camera at the rear of 419 Hornel Street which, by the description of Detective Smothers, showed the same suspect from the 7-Eleven and liquor store footage placing an item in a trash can across the street. In addition, as the State published some of the still shots of the suspect inside the 7-Eleven to the jury, Detective Smothers pointed out a tattoo on the suspect’s right hand. The State then offered and published a photo of Mr. Aviles-Alvarez’s right hand, which, according to Detective Smothers, bore a similarity to the one on the suspect’s right hand in the surveillance video. Detective Smothers testified that he had shown Mr. Aviles-Alvarez’s mother screenshots from the surveillance footage he recovered during his investigation, the State offered those screenshots into evidence, and Mr. Aviles-Alvarez’s mother identified the screenshots as pictures of her son.

Officer Jimenez, Sergeant Johnson, and Deputy Neubauer each testified to arriving at the scene of the shooting around 7:30 pm. Officer Jimenez, the primary officer on scene, testified that she found Mr. Bonilla lying on the porch of 435 Imla Street and suffering from a gunshot wound upon her arrival, and Dr. Noncent opined that Mr. Bonilla’s wound would have been “rapidly fatal.” Sergeant Johnson testified that he discovered a handgun

in a blue recycling can in the alley between Imla and Hornel. Several other officers who reported to the scene of the shooting corroborated his testimony, and Mr. Lamont, the State’s firearms expert, testified that he tested the handgun as part of BPD’s investigation in this case and determined that it was operable. Officer Sampson testified that acting on a tip from a resident of the area, he discovered a live round of ammunition from a trash can about “three or four houses down” from the house where Sergeant Johnson found the handgun. Technician Damiani testified that he recovered a handgun from a trash can behind 422 Imla Street and a live round from a trash can behind 406 Imla Street, and the State offered photos of the trash cans, firearm, and live round into evidence. Ms. Wheeler testified that she analyzed swabs from the handgun and live round and compared them with known DNA samples from Mr. Bonilla and Mr. Aviles-Alvarez. She determined that the swab from the handgun contained a DNA mixture consistent with at least two individuals and that one of those individuals was 159 quadrillion times more likely to be Mr. Aviles-Alvarez than it was to be “an unrelated individual in the population.” Finally, Detective Smothers testified that BPD received only one report of shots fired at the 6300 block of Eastern Avenue on April 3, 2023.

A reasonable jury could have concluded from this evidence that the suspect pictured in the surveillance video recovered by Detective Smothers shot and killed Mr. Bonilla and, based on the testimony of Mr. Aviles-Alvarez’s mother and Ms. Wheeler’s testimony about the results of her DNA analysis, that the suspect in the video and photographs was Mr. Aviles-Alvarez. Although the cameras didn’t capture Mr. Bonilla at the moment he was

struck by the bullet that ended his life, they did capture him walking up Eastern Avenue, the suspect following him, the suspect stopping at the corner of Eastern Avenue and the alley between Imla and Hornel Street and raising his arm in the direction Mr. Bonilla had just traveled, and the suspect fleeing down the alley and placing something into a trash can from which law enforcement later recovered an operable handgun. Further, they captured Mr. Bonilla coming back into frame about two minutes later, apparently in distress, and moving in the direction of 435 Imla Street, where officers found him lying on the porch less than ten minutes later with a “rapidly fatal” injury. To be sure, it was possible, despite there being no additional reports of shots fired in the area on the night Mr. Bonilla was killed, that a second person could have shot Mr. Bonilla in the two minutes between his disappearance and reappearance from the camera view or in the brief period between his reappearance and the officers’ arrival on scene. But that was not the inference that the jury chose to credit in this case, and we don’t “second-guess” a jury’s decision to credit one reasonable inference over another. *Smith*, 415 Md. at 183. We hold that a reasonable jury could have found that Mr. Aviles-Alvarez caused Mr. Bonilla’s death beyond a reasonable doubt. *See Smith*, 374 Md. at 533.

Second, Mr. Aviles-Alvarez argues that the State presented insufficient evidence for a reasonable jury to find him guilty of using a firearm in the commission of a crime of violence beyond a reasonable doubt. Criminal Law Article § 4-204 prohibits a person from using a firearm “in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article, or any felony.” CR § 4-204(b). The definition of “[c]rime of

violence” under PS § 5-101 includes “murder in the first or second degree.” PS § 5-101(c)(11). Accordingly, for a reasonable jury to convict Mr. Aviles-Alvarez of using a firearm in a crime of violence in this case, the State needed to prove that he (1) used a firearm (2) to murder Mr. Bonilla. Because we hold above that the State presented sufficient evidence for a reasonable jury to find that Mr. Aviles-Alvarez shot and killed Mr. Bonilla beyond a reasonable doubt, *see Smith*, 374 Md. at 533, we hold as well that the evidence was sufficient for a reasonable jury to convict him of using a firearm in the commission of murder, a crime of violence.

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