

Circuit Court for Worcester County  
Case No. C-23-CR-18-000166

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2545

September Term, 2018

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ADAM MICHAEL DAWSON

v.

STATE OF MARYLAND

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Beachley,  
Wells,  
Moylan, Charles, E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: November 26, 2019

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Following a jury trial in the Circuit Court for Worcester County, Adam Michael Dawson, appellant, was convicted of possession of marijuana with intent to distribute. Mr. Dawson raises a single issue on appeal: whether the evidence was sufficient to sustain his conviction. Because the State presented sufficient evidence to sustain Mr. Dawson’s conviction, we shall affirm.

### **BACKGROUND**

At trial, the State presented evidence that the police found a book bag on the floorboard of the rear passenger seat of Mr. Dawson’s vehicle. A search of the bookbag revealed three airtight Rubbermaid clear plastic containers, a small clear mason jar, a digital portage scale, clear plastic baggies, and two metal grinders. Inside the largest Rubbermaid container “was a large clear plastic baggie along with five additional individual small clear plastic baggies [all of which] contained marijuana.” Three of the five bags were submitted for testing and the combined net weight of the three bags was 20.884 grams, or approximately seven grams per bag. “[T]hree small individual clear plastic baggies, all of [which] contained marijuana” were also found inside one of the smaller Rubbermaid containers. The combined net weight of those bags was 4.15 grams. The third Rubbermaid container contained only marijuana stems and the mason jar contained .9 grams of marijuana.

Ocean City Police Corporal Kyle Murray was admitted as an expert in the “valuation and identification of controlled dangerous substances, the common practices of users and dealers, and [ ] controlled dangerous substances street level investigations.” Corporal Murray testified that there were several indicators that Mr. Dawson intended to distribute

the marijuana found in the bookbag, including: (1) the presence of scales and empty plastic bags; (2) the fact that the marijuana was packaged in different amounts, which demonstrated that Mr. Dawson was likely catering to different buyer’s needs; and (3) the fact that it would be uncommon for a user to purchase bulk amounts of marijuana in small pre-packaged units. Corporal Murray also opined that the marijuana being separated into seven-gram packages was particularly notable because that was a “standard unit of measure in the distribution of . . . marijuana.” According to Corporal Murray, the total street value of the marijuana recovered was between \$350 and \$400.

### **DISCUSSION**

Mr. Dawson’s sole contention on appeal is there was insufficient evidence to sustain his conviction because the State failed to prove that he intended to distribute the marijuana. In reviewing the sufficiency of the evidence, we ask “whether, after reviewing 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.” *Ross v. State*, 232 Md. App. 72, 81 (2017) (citation omitted). Furthermore, we “view[ ] not just the facts, but ‘all rational inferences that arise from the evidence,’ in the light most favorable to the” State. *Smith v. State*, 232 Md. App. 583, 594 (2017) (quoting *Abbott v. State*, 190 Md. App. 595, 616 (2010)). In this analysis, “[w]e give ‘due regard to the [fact-finder’s] findings of facts, its resolution of conflicting evidence, and, significantly, its opportunity to observe and assess the credibility of witnesses.’” *Potts v. State*, 231 Md. App. 398, 415 (2016) (quoting *Harrison v. State*, 382 Md. 477, 487-88 (2004)).

In challenging the sufficiency of the evidence, Mr. Dawson notes that under Maryland law, a person with a proper prescription and license can legally possess up to 120 grams of marijuana for medicinal purposes. *See* Md. Health Gen. Art. § 13-3313. He therefore contends that “the fact that he possessed less than a person would be entitled to legally possess at one time with a medical marijuana license contradicts the assertion of [Corporal Murray] that the very amount of marijuana [he] possessed indicated that [he] possessed it for the purposes of distribution.” This claim lacks merit. Notwithstanding the fact that Mr. Dawson did not have a medical marijuana license, Corporal Murray did not rely solely on the weight of the marijuana to form his opinion that Mr. Dawson had the requisite intent to distribute. Rather, his opinion was based on Mr. Dawson’s possession of scales and empty plastic baggies; the fact that six of the baggies contained approximately seven grams of marijuana, a standard unit of measurement in the distribution of controlled substances; and the fact that users do not typically purchase a large amount of marijuana in multiple smaller baggies. That evidence, if believed by the jury, was sufficient to establish Mr. Dawson’s intent to distribute the marijuana beyond a reasonable doubt.

Mr. Dawson nevertheless asserts that the marijuana might have been separately packaged because he was in possession of different strains of marijuana. However, there was no evidence introduced at trial to support this claim. And, in any event, where “two inferences reasonably could be drawn [from the evidence], 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 the court assessing the legal

sufficiency of the evidence.” *Ross v. State*, 232 Md. App. 72, 98 (2017). Consequently, we hold that the State presented sufficient evidence to support Mr. Dawson’s conviction.

**JUDGMENT OF THE CIRCUIT  
COURT FOR WORCESTER  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**