Circuit Court for Baltimore City
Case No. 118043010

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2821

September Term, 2018

RAMONTA LOVE

v.

STATE OF MARYLAND

Meredith,
Wells,
Thieme, Raymond G., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wells, J.

Filed: November 20, 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.

Ramonta Love, appellant, was charged, in the Circuit Court for Baltimore City, with attempted second-degree murder, use of a firearm in the commission of a felony or crime of violence, and unlawful possession of a regulated firearm. Prior to trial, appellant filed a motion to suppress the victim's out-of-court identification and a motion to suppress a handgun found on appellant's person at the time of his arrest. Both motions were denied. A jury later convicted appellant on each of the counts mentioned.[1] The Court sentenced appellant to a total term of 35 years' imprisonment. In this appeal, appellant presents four questions for our review:

1. Did the suppression court err in denying appellant's motion to suppress the victim's out-of-court identification?

2. Did the suppression court err in denying appellant's motion to suppress the handgun?

3. Did the trial court abuse its discretion in admitting into evidence body-camera footage of appellant's arrest?

4. Was the evidence adduced at trial sufficient to sustain appellant's conviction of unlawful possession of a regulated firearm?

For reasons to follow, we hold that the suppression court did not err in denying appellant's motions to suppress. We likewise hold that the trial court did not err in admitting the body-camera footage into evidence. Finally, we hold that the evidence adduced at trial was sufficient to sustain appellant's conviction. Accordingly, we affirm the judgments of the circuit court.

[1] Appellant was also charged with attempted first-degree murder, but the jury acquitted him on that charge.

BACKGROUND

In the early morning hours of September 3, 2017, Michael Smith was shot. Two days later, appellant was involved in an unrelated incident, during which he was stopped and frisked by the police. During the frisk, the police discovered a handgun in appellant's waistband. That handgun was later linked, through forensic testing, to evidence found at the scene of the shooting involving Michael Smith. Shortly thereafter, the police showed Mr. Smith a photographic array, and Mr. Smith identified appellant as the person who shot him. Appellant was arrested and charged.

Suppression Hearing – Motion to Suppress Victim's Out-of-Court Identification

Prior to trial, appellant filed a motion to suppress Mr. Smith's out-of-court identification of appellant as the shooter. At the hearing on that motion, Mr. Smith testified that, several weeks after the shooting, he met with a police officer who showed him six pictures containing "possible suspects." Mr. Smith explained that, when he initially reviewed the six pictures, he was unable to identify the shooter. Upon looking at the pictures a second time, Mr. Smith selected photograph "number three" and informed the police officer that the person in the photograph "look[ed] like the shooter." Mr. Smith testified that the officer who showed him the photographs did not tell him "who to pick" or "who to look at."

Baltimore City Police Detective Anthony Forbes testified that he was the officer who presented the photographic array to Mr. Smith following the shooting. Detective Forbes testified that, when he first showed the array to Mr. Smith, Mr. Smith did not

identify anyone as the shooter. Detective Forbes then showed the array to Mr. Smith a second time, and, after "staring at three of them," Mr. Smith "picked out" photograph "number three." Detective Forbes then had Mr. Smith read aloud the "CID number" located at the top of photograph number three. Detective Forbes testified that he had Mr. Smith read the CID number "because he identified number three as the person who shot him." Detective Forbes then gave Mr. Smith a pen so that he could "write the involvement that that person played in the investigation."

Detective Forbes testified that, prior to showing the photographic array to Mr. Smith, he had not been involved in the investigation into the shooting and had no information regarding potential suspects or "who the target in [the] case was." Detective Forbes explained that, in "a double blind photographic array procedure," the person administering the array "doesn't have any information whatsoever on who the target individual is." Detective Forbes also testified that he did not compile the photographs in the array or even look at the photographs prior to showing them to Mr. Smith. Detective Forbes testified that he had did not know whether the photographic array contained "a likely suspect" or whether Mr. Smith had "selected the right person."

In the end, the suppression court denied appellant's motion to suppress the identification. The court found that "there was nothing in this process that was unduly suggestive," noting that Detective Forbes had no knowledge as to "who of these six people is the suspect."

Suppression Hearing – Motion to Suppress Handgun

Appellant also filed a motion to suppress the handgun recovered from his person after he was taken into custody following the shooting. At the hearing on that motion, Baltimore City Police Officer Howard Sabb testified that, in the early morning hours of September 5, 2017, he received a report that an individual "had run up on the curb and was asleep behind the wheel." Officer Sabb then drove to the scene of the accident, where he observed a red Nissan Altima with its front end "up on the curb." Upon approaching the vehicle, Officer Sabb observed a single occupant, later identified as appellant, sitting in the vehicle's driver's seat "slumped over, asleep." After grabbing the driver-side door handle and discovering it was locked, Officer Sabb knocked on the driver-side window "a few times to try to awake him, but he wouldn't get up." Eventually appellant awoke, appearing "disoriented, still sleepy, confused, didn't know what was going on." Officer Sabb then told appellant to "unlock the door" and "put the car in park" because Officer Sabb "could see that the car was in drive." Finally, appellant unlocked the vehicle's doors, at which point another officer, who had arrived on the scene shortly after Officer Sabb and was standing on the passenger side of the vehicle, "reached in to put the car in park" because appellant was "actually trying to drive off." Officer Sabb then opened the driver-side door and asked appellant to step out of the vehicle. Before complying, appellant "moved the steering wheel a couple more times," and Officer Sabb "had to tell him" not to "drive off."

Ultimately, appellant unbuckled his seat belt and exited the vehicle. As appellant was doing so, Officer Sabb observed "a bulge bulging out the front of his waistband, like

kind of leaning forward." Officer Sabb testified that the bulge "could have been a bulge of a gun." After appellant had exited the vehicle, Officer Sabb, "believing that the bulge may have been a handgun," reached to appellant's "front waistband" and felt "the handle of a handgun." Officer Sabb removed the handgun from appellant's waistband, and appellant was arrested. At some point during the encounter, Officer Sabb discovered that the vehicle was stolen.

The suppression court ultimately denied appellant's motion to suppress, finding that "it was inevitable that the police were going to find the gun" given that appellant was found asleep inside of a stolen vehicle and would have been taken into custody on those grounds. The court also found that Officer Sabb had reasonable articulable suspicion to stop and frisk appellant.

Trial

At trial, defense counsel moved to preclude the State from playing two videos, both of which captured appellant's arrest on September 5, 2017. One of the videos was captured by a body camera worn by Officer Sabb, and the other video was captured by a body camera worn by another officer, Marlon Koushall, who was also present at the time of appellant's arrest. Defense counsel argued that the videos were more prejudicial than probative because appellant looked "like he could be possibility intoxicated or – or high on some substance." The trial court denied the motion, stating that, if the officers were going to testify as to what they did, the court did not "want to have the fact-finders questioning, well, don't they have a video, why didn't we see it." The court also stated that it had

reviewed the videos and did not "find anything in the video prejudicial other than the fact that [appellant] was passed out slash asleep or slash resting, when the police approached him."

Later, both Officer Sabb and Officer Koushall testified to the circumstances of appellant's arrest, and the footage from each officer's body-worn camera was played, over objection, during their respective testimonies. As he did during the suppression hearing, Officer Sabb testified that, on September 5, 2017, he found appellant asleep in a vehicle and, upon having appellant step out of the vehicle, discovered a "gun" in appellant's waistband. Officer Koushall provided similar testimony, describing the object recovered from appellant as "a handgun."

Following that testimony, Jennifer Ingbretson, a Forensic Scientist with the Baltimore Police Department's Firearms Unit, testified that she "test fired" the firearm recovered from appellant using forty-five caliber ammunition and determined, based on that test, that the firearm was operable. During Ms. Ingbretson's testimony, the State introduced into evidence the actual firearm recovered from appellant. In addition, the State introduced into evidence a report from Ms. Ingbretson, which stated, among other things, that the firearm recovered from appellant was a semi-automatic pistol; that it had a barrel length of four and five-eighths inches; and that it was "test fired" and determined to be operable.

At the conclusion of the evidence, the trial court instructed the jury on, among other things, the elements of the charge of possession of a regulated firearm. In so doing, the

court defined "regulated firearm" as "a handgun, which is a firearm with a barrel less than 16 inches in length and includes a signal pistol, starter pistol or blank pistol." The court defined "firearm" as "a weapon that fires or is designed to fire or may readily be converted to fire a projectile by action of an explosive, or it could just be the frame or receiver of such weapon."

Appellant was ultimately convicted. This timely appeal followed.

DISCUSSION

I.

Appellant first contends that the suppression court erred in denying his motion to suppress the victim's out-of-court identification of appellant as the shooter. Appellant maintains that the identification procedure was "suggestive."

"In reviewing the denial of a motion to suppress evidence, 'we confine ourselves to what occurred at the suppression hearing,' which we view 'in a light most favorable to the prevailing party on the motion.'" *Ford v. State,* 235 Md. App. 175, 185 (2017) (quoting *Lee v. State,* 418 Md. 136, 148 (2011)), *aff'd* 462 Md. 3 (2018). Moreover, "[w]e extend great deference to the findings of the hearing court with respect to first-level findings of fact and the credibility of witnesses unless it is shown that the court's findings are clearly erroneous." *Daniels v. State,* 172 Md. App. 75, 87 (2006). We do not, however, defer to the hearing court's legal conclusions, which we review *de novo*. *Thornton v. State*, 465 Md. 122, 139-40 (2019).

The right of due process of law, guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and Article 24 of the Maryland Declaration of Rights, "protects the accused against the introduction of evidence of, or tainted by, unreliable pretrial identifications obtained through unnecessarily suggestive procedures." *Small v. State*, 464 Md. 68, 82-83 (2019) (citations and quotations omitted). "The admissibility of an extrajudicial identification is determined in a two-step inquiry." *Smiley v. State*, 442 Md. 168, 180 (2015). "In step one of the due process inquiry, the suppression court must evaluate whether the identification procedure was suggestive." *Small*, 464 Md. at 83. "If the court determines that the extrajudicial identification procedure was not suggestive, then the inquiry ends and evidence of the procedure is admissible at trial." *Id.* If, however, the suppression court determines that the identification procedure was suggestive, the court moves to step two of the due process inquiry, and the court "must weigh whether, under the totality of the circumstances, the identification was reliable." *Id.* at 83-84.

"Suggestiveness can arise during the presentation of a photo array when the manner itself of presenting the array to the witness or the makeup of the array indicates which photograph the witness should identify." *Smiley*, 442 Md. at 180. "The impropriety of suggestive police misconduct is in giving the witness a clue about which photograph the police believe the witness should identify as the perpetrator during the procedure." *Small*, 464 Md. at 88-89. That is, "[t]he sin is to contaminate the test by slipping the answer to the testee." *Morales v. State*, 219 Md. App. 1, 14 (2014) (quoting *Conyers v. State*, 115

Md. App. 114, 121 (1997)). Thus, "it is not a Due Process violation *per se* that an identification procedure is suggestive." *Id.* Rather, "[t]he procedure must be *impermissibly* suggestive, and it is the impermissibility of the police procedure that warrants exclusion." *Id.* (emphasis in original). "The defendant bears the burden of making a *prima facie* showing of suggestiveness." *Small*, 464 Md. at 83.

Here, we hold that appellant failed to make a *prima facie* showing of suggestiveness. There is nothing in the record to show that either the manner in which the array was presented to the victim or the makeup of the array was in any way suggestive as to which photograph the victim should identify. Likewise, there is nothing in the record to show that the officer who presented the array, Detective Forbes, provided "clues" about which photograph the police believed the victim should identify as the perpetrator. In fact, Detective Forbes could not have provided any such "clues" because, as appellant concedes, "it is undisputed that Detective Forbes did not take part in the investigation, did not compile the photo array, and did not know which photograph in the array portrayed the suspect." In addition, Detective Forbes testified that he had no knowledge of whether the victim had selected "the right person" or if the array even contained a suspect. Accordingly, the identification procedure was not impermissibly suggestive, and the suppression court did not err in denying appellant's motion to suppress.

II.

Appellant next contends that the suppression court erred in denying his motion to suppress the handgun recovered from his person at the time of his arrest. Appellant

maintains that "the pat-down conducted by Officer Sabb was not supported by reasonable articulable suspicion that appellant was armed and dangerous." Appellant maintains, therefore, that the search of his person, which resulted in the discovery of the gun, was unreasonable.

"The Fourth Amendment to the United States Constitution protects against unreasonable searches and seizures, including seizures that involve only a brief detention." *Stokes v. State*, 362 Md. 407, 414 (2001). The Court of Appeals has highlighted three tiers of interactions between an individual and the police to determine Fourth-Amendment applicability: (1) an arrest; (2) an investigatory stop (known colloquially as a "stop and frisk" or "*Terry* stop");[2] and (3) a consensual encounter. *Swift v. State*, 393 Md. 139, 149-51 (2006).

The second type of encounter, an investigatory stop, permits the police to briefly detain an individual, but the stop "must be supported by reasonable suspicion that [the individual] has committed or is about to commit a crime[.]" *Id.* In addition, "if an officer has reasonable, articulable suspicion that the suspect was armed, the officer could frisk the individual for weapons." *Reid v. State*, 428 Md. 289, 297 (2012). The authority to conduct a frisk is "narrowly drawn" and only permits "a reasonable search for weapons for the protection of the police officer, where he has reason to believe that he is dealing with an armed and dangerous individual[.]" *Chase v. State*, 449 Md. 283, 296 (2016) (citations omitted). Moreover, the circumstances giving rise to a reasonable articulable suspicion for

[2] *Terry v. Ohio*, 392 U.S. 1 (1968).

an investigatory stop do not automatically justify a frisk; "[i]t is only when the circumstances also support the articulable suspicion that the person detained is armed and dangerous that the frisk of outer garments … may be authorized." *Id.* at 301 (citations and quotations omitted).

In determining whether reasonable suspicion exists, we assess the "totality of the circumstances" that existed at the time of the frisk. *Holt v. State*, 435 Md. 443, 460 (2013). "The test is objective: 'the validity of the … frisk is not determined by the subjective or articulated reasons of the officer; rather, the validity of the … frisk is determined by whether the record discloses articulable objective facts to support the … frisk.'" *Goodwin v. State*, 235 Md. App. 263, 280 (2017) (citing *Sellman v. State*, 449 Md. 526, 542 (2016)). Also, we "assess the evidence through the prism of an experienced law enforcement officer, and 'give due deference to the training and experience of the officer who engaged the stop at issue.'" *Holt*, 435 Md. at 461 (citations omitted). In short, "[a] law enforcement officer has reasonable articulable suspicion that a person is armed and dangerous where, under the totality of the circumstances, and based on reasonable inferences from particularized facts in light of the law enforcement officer's experience, a reasonably prudent law enforcement officer would have felt that he or she was in danger." *Norman v. State*, 452 Md. 373, 387 (2017). That said, "'*Terry* does not require a police officer to be *certain* that a suspect is armed in order to conduct a frisk for weapons. All that is required is a reasonable suspicion that the person is armed and dangerous.'" *Chase*, 224 Md. App. at 647 (quoting *In re: David S.*, 367 Md. 523, 541 (2002)) (emphasis in original).

Here, we hold that Officer Sabb had reasonable articulable suspicion that criminal activity was afoot, and that appellant was armed and dangerous. Prior to the stop, Officer Sabb observed appellant "slumped over, asleep" behind the wheel of a vehicle that had reportedly been driven "up on the curb." When Officer Sabb approached the vehicle and tried to rouse appellant, appellant remained unresponsive. When appellant finally did respond, he appeared "disoriented, still sleepy, confused, didn't know what was going on." Officer Sabb then told appellant to "unlock the door" and "put the car in park" because "the car was in drive." Rather than comply, appellant "actually [tried] to drive off." When appellant finally did unlock the vehicle, he "moved the steering wheel a couple more times," and Officer Sabb "had to tell him" not to "drive off." Given those circumstances, Officer Sabb was justified in stopping appellant and having him step out of the vehicle. *See e.g. Wilson v. State*, 409 Md. 415, 431-32 (2009) (noting that the police may stop an individual without a warrant "when they reasonably believe a person needs immediate attention."); *Smith v. State*, 214 Md. App. 195, 201 (2013) (noting that a traffic stop is reasonable when the police have "reasonable articulable suspicion to believe that the car was being driven contrary to the laws governing the operation of motor vehicles.") (citations and quotations omitted); *Jackson v. State*, 190 Md. App. 497, 509 (2010) (noting that, during a lawful traffic stop, the police may order the driver out of the vehicle).

Likewise, Officer Sabb was justified in frisking appellant. Officer Sabb testified that, as appellant was exiting the vehicle, he observed "a bulge bulging out the front of [appellant's] waistband," which Officer Sabb believed may have been a handgun. Officer

Sabb then reached to that exact spot on appellant's waistband and discovered that the bulge was in fact a handgun. Given Officer Sabb's observations and the limited nature of the frisk, and given the totality of the circumstances, including the fact that appellant was trying to drive away from the police while in a disoriented state and after having driven his vehicle up onto the curb, the police had reasonable articulable suspicion that appellant was armed and dangerous at the time of the frisk. *See Ransome v. State*, 373 Md. 99, 108-09 (2003) (citing "many cases in which a bulge in a man's clothing, along with other circumstances, has justified a frisk" and noting that "those cases are entirely consistent with *Terry*."). Accordingly, the suppression court did not err in denying appellant's motion to suppress.

III.

Appellant next contends that the trial court abused its discretion in admitting into evidence the police body-worn camera footage depicting his arrest and the discovery of the handgun. Appellant maintains that the videos constituted "bad act" evidence and that the trial court did not conduct the appropriate analysis before admitting the videos, "which suggested drug or alcohol use and driving under the influence." Appellant also maintains that the videos should have been excluded because the videos "were not necessary to prove the prosecution's case."

Maryland Rule 5-403 provides, in pertinent part, that "evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice[.]" "We determine whether a particular piece of evidence is unfairly prejudicial by balancing the

inflammatory character of the evidence against the utility the evidence will provide to the jurors' evaluation of the issues in the case." *Smith v. State,* 218 Md. App. 689, 705 (2014). In so doing, "[w]hat must be balanced against 'probative value' is not 'prejudice' but, as expressly stated by Rule 5-403, only 'unfair prejudice.'" *Newman v. State*, 236 Md. App. 533, 549 (2018). Moreover, "[t]o justify excluding relevant evidence, the 'danger of unfair prejudice' must not simply outweigh 'probative value' but must, as expressly directed by Rule 5-403, do so 'substantially.'" *Id.* at 555. "This inquiry is left to the sound discretion of the trial judge and will be reversed only upon a clear showing of abuse of discretion." *Malik v. State,* 152 Md. App. 305, 324 (2003).

We hold that the trial court did not abuse its discretion in admitting the videos into evidence. The videos were probative in that they corroborated the testimony of the arresting officers and gave the jurors a first-hand view of the circumstances that led to the discovery of the handgun. And, as the court explained, had the videos not been shown, the jurors may have questioned why they were not permitted to see them. Finally, although the videos did depict appellant behind the wheel of an automobile in an unconscious or groggy state, a depiction that may have been embarrassing or demeaning to appellant, we cannot say that the resulting prejudice was unfair or that it substantially outweighed the evidence's probative value. *See Ford v. State*, 462 Md. 3, 58-59 (2018) ("[T]he fact that evidence prejudices one party or the other, in the sense that it hurts his or her case, is not the undesirable prejudice referred to in Maryland Rule 5-403.") (citations and quotations omitted). That the videos may have ultimately been unnecessary or redundant given the

testimony of the arresting officers is not, absent a finding of unfair prejudice, reason to exclude the evidence, which, as noted, was relevant. *Id.* at 59 ("The mere fact that evidence may be cumulative does not mean that the evidence is unfairly prejudicial."); *See also Oesby v. State*, 142 Md. App. 144, 166 (2002) ("In terms of legitimate prejudice … the State is not constrained to forego relevant evidence and to risk going to the fact-finder with a watered-down version of its case.").

As for appellant's claim that the videos should have been excluded as "bad act" evidence, that claim was not raised in the trial court. Accordingly, the claim is not preserved for our review. Md. Rule 8-131(a).

Assuming, *arguendo*, that appellant's argument was preserved, it is without merit. Although evidence of a defendant's prior "bad acts" is generally inadmissible, such evidence may be admitted "if it is substantially relevant to some contested issue in the case and if it is not offered to prove the defendant's guilt based on propensity to commit a crime or his character as a criminal." *State v. Faulkner,* 314 Md. 630, 634 (1989). Whether "bad act" evidence has special relevance is a legal determination that we review *de novo*. *Stevenson v. State*, 222 Md. App. 118, 149 (2015). "If we determine that the 'bad act' evidence in question has special relevance, then we balance the probative value of and need for the evidence against the likelihood of undue prejudice." *Id.* (citations omitted). That analysis "implicates the exercise of the trial court's discretion, and we will only reverse the

court's balancing determination if the court abused its discretion." *Id.* (citations and quotations omitted).[3]

Here, as noted, the videos were relevant in corroborating the testimony of the arresting officers and in showing that appellant was in possession of a handgun at the time of his arrest. Moreover, the videos' depiction of appellant in a possibly intoxicated state was not unduly prejudicial, for the reasons previously discussed. At the very least, we cannot say that the trial court abused its discretion in admitting the evidence. *See Newman*, 236 Md. App. at 556-57 ("Reversal should be reserved for those rare and bizarre exercises of discretion that are, in the judgment of the appellate court, not only wrong but flagrantly and outrageously so.").

IV.

Appellant's final contention is that the evidence adduced at trial was insufficient to sustain his conviction of unlawful possession of a regulated firearm. Appellant contends that there was no testimony that the handgun seized from his waistband fell within the definition of "regulated firearm."

"The test of appellate review of evidentiary sufficiency is whether, 'after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" *Donati v. State*, 215 Md. App. 686, 718 (2014) (citing *State v. Coleman*, 423 Md. 666, 672 (2011)).

[3] Before admitting evidence of "other crimes," a trial court must also determine whether the defendant's involvement in the "other crimes" can be established by clear and convincing evidence. *State v. Faulkner*, 314 Md. 630, 634-35 (1989).

That standard applies to all criminal cases, "including those resting upon circumstantial evidence, since, generally, proof of guilt based in whole or in part on circumstantial evidence is no different from proof of guilt based on direct eye-witnesses accounts." *Neal v. State*, 191 Md. App. 297, 314 (2010). Moreover, "[t]he test 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.'" *Painter v. State*, 157 Md. App. 1, 11 (2004) (citations omitted) (emphasis in original). In making that determination, "[w]e 'must give deference to all reasonable inferences [that] the fact-finder draws, regardless of whether [we] would have chosen a different reasonable inference.'" *Donati*, 215 Md. App. at 718 (citing *Cox v. State*, 421 Md. 630, 657 (2011)). In so doing, '[w]e defer to the fact finder's 'opportunity to assess the credibility of witnesses, weigh the evidence, and resolve conflicts in the evidence[.]'" *Neal*, 191 Md. App. at 314 (citations omitted).

Section 5-133(c) of the Public Safety Article of the Maryland Code states that a person may not possess a regulated firearm if the person was previously convicted of a disqualifying crime. The statute defines "regulated firearm" to include "a handgun." Md. Code, Pub. Safety § 5-101(r)(1). The statute defines "handgun" to include "a firearm with a barrel less than 16 inches in length." Md. Code, Pub. Safety § 5-101(n)(1). The statute defines "firearm" to include "a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive[.]" Md. Code, Pub. Safety § 5-101(h)(1)(i).

We hold that the evidence adduced at trial was sufficient to establish that the handgun recovered from appellant was a "regulated firearm." First, Officer Koushall, who was present at the time of appellant's arrest, testified that the object recovered from appellant was "a handgun." *See Nash v. State*, 191 Md. App. 386, 406 (holding that the evidence was sufficient to establish that a recovered handgun was a regulated firearm where "[t]he undisputed testimony from [a police officer] was that the gun he recovered … was a handgun."). In addition, Jennifer Ingbretson, a forensic firearms examiner, testified that she fired a bullet using the gun recovered from appellant and determined, based on that test, that the gun was operable. Finally, in Ms. Ingbretson's report, which was also admitted into evidence, the gun recovered from appellant was described as a semi-automatic pistol with a barrel length of four and five-eighths inches. From those facts, a reasonable inference can be drawn that the handgun recovered from appellant was a "regulated firearm." Accordingly, the evidence adduced at trial was sufficient to sustain appellant's conviction of possession of a regulated firearm.

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