Circuit Court for Baltimore City
Case No. 117012021

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 3436

September Term, 2018

TREVANTE MAHONEY

v.

STATE OF MARYLAND

Friedman,
Beachley,
Gould,

JJ.

Opinion by Gould, J.

Filed: June 4, 2020

A jury in the Circuit Court for Baltimore City convicted appellant, Trevante Mahoney, of first-degree murder, conspiracy to commit first-degree murder, several handgun violations, and other lesser charges. The trial court sentenced Mr. Mahoney to two consecutive life sentences, plus a concurrent 445 years' imprisonment. Mr. Mahoney timely noted this appeal.

Mr. Mahoney asks us to consider whether: (1) the motions court abused its discretion in denying his motion to discharge counsel under Maryland Rule 4-215(e); (2) the trial court committed plain error in propounding a compound "strong feelings" question during voir dire; (3) the trial court erred in admitting hearsay evidence in the form of text messages and Facebook messages between the decedent and two witnesses; and (4) the evidence was insufficient to support the conviction of conspiracy to commit first-degree murder. For the reasons that follow, we affirm the judgments of the trial court.

FACTUAL BACKGROUND AND LEGAL PROCEEDINGS

Prior to December 2016, Mr. Mahoney and Raekwon Wilson were close friends; in fact, Mr. Mahoney was present at the birth of Mr. Wilson's daughter and was named the child's godfather. Around the beginning of December 2016, however, a "beef" arose among Mr. Wilson, Mr. Mahoney, and Mr. Mahoney's younger brother, Tikoy Mahoney.[1]

On the evening of December 22, 2016, Tijae Barnes—Mr. Wilson's girlfriend—was at the home of her friend, Arvita Hopper, along with Ms. Hopper's cousin, Jonathan

[1] We will refer to the Appellant as "Mr. Mahoney" and his brother as "Tikoy Mahoney."

Mitchell, Ms. Barnes's two younger sisters, and Ms. Hopper's four children. The three adults socialized downstairs, while the seven children played games and napped upstairs.

A man unknown to Ms. Hopper knocked on the front door of her house, apparently looking for someone; although the man was alone, Ms. Hopper saw a few other young men on her neighbor's porch, which was attached to her own. Ms. Hopper shut the door and returned to her guests.

A short time later, someone kicked in the back door of Ms. Hopper's house, and two men entered wearing black masks and carrying guns—one, a revolver and the other, an assault rifle. The gunman with the assault rifle ordered Ms. Barnes and Mr. Mitchell to lie facedown on the floor and then followed after Ms. Hopper, who had run upstairs to protect the children. Once upstairs, Ms. Hopper begged the man not to hurt the children. He said that he was "looking for Raquan"[2] and would not hurt the children. The man searched every room upstairs and then returned to the first floor, at which time Ms. Hopper heard several gunshots.

The second gunman remained downstairs, waving his revolver back and forth between Ms. Barnes and Mr. Mitchell and asking several times for "Rae." When the man who had been upstairs came back down, he walked past Mr. Mitchell and shot Ms. Barnes in the head without saying a word. Mr. Mitchell ran out of the house to Ms. Barnes's house to tell her mother that Tijae had been shot. Ms. Barnes, who was shot six times, was pronounced dead at the scene.

[2] Although Mr. Wilson spelled his first name as "Raekwon" at trial, it is recorded as "Raquon" or "Raquan" in some parts of the trial transcripts.

Ms. Barnes's 12-year-old sister was upstairs when the gunmen burst into the house. She said they were wearing masks that showed only their eyes, but she recognized the man who came upstairs holding what she described as a long black gun as Trevante Mahoney, through her familiarity with his voice and his eyes.[3] She later identified him and his brother, Tikoy Mahoney, as the two gunmen in a statement to the police and in a photo line-up.

Three cell phones (one belonging to Ms. Barnes) and six fired cartridge cases were recovered from the first floor of Ms. Hopper's house. The cases—from .9 millimeter Luger ammunition—were all fired from the same unknown firearm. All the cases had "class characteristics" most common to a Hi-Point semiautomatic firearm, but the State's firearm identification expert stated that the ammunition also could have been used in a carbine rifle, which can have a barrel up to 26 inches long. The medical examiner also recovered .38 millimeter bullet fragments, consistent with the existence of two bullets, from Ms. Barnes's head.

The police obtained an arrest warrant for Trevante Mahoney based on Ms. Barnes's sister's identification. He was arrested on December 28, 2016.

The police also obtained a search warrant for Mr. Mahoney's home. On December 28, 2016, the police executed the search warrant and recovered a revolver, a BB gun, a black jacket, two black masks, mail, a driver's license in the name of Trevante Mahoney,

[3] In an earlier proceeding, Ms. Barnes's sister stated that it was Tikoy Mahoney who came upstairs with the long gun. At trial, she acknowledged the discrepancy—stating that the brothers looked alike—but she said she was certain that the person who came upstairs was one of the Mahoney brothers.

and several cell phones. Swabs taken from the inside of one of the masks indicated that Tikoy Mahoney was a major contributor to the DNA thereon.

DISCUSSION

DISCHARGE OF COUNSEL

Mr. Mahoney contends that the trial court abused its discretion in finding that he did not have a meritorious reason to discharge his attorney and in denying his motion to discharge counsel. In his view, the fact that defense counsel met with him only once during the 19 months he was incarcerated pending trial was sufficient reason for the trial court to determine that counsel was unprepared for trial and should have been discharged.

On April 13, 2018, attorney William Welch entered his appearance as counsel for Mr. Mahoney. On July 10th, Mr. Mahoney appeared at a pre-trial hearing with Mr. Welch. The court verified that Mr. Mahoney wished to discharge Mr. Welch and then asked to hear directly from Mr. Mahoney so it could decide if there was merit to his request.

Mr. Mahoney, reminding the court that he had been incarcerated since December 2016 and was facing serious charges, stated that he had only met with Mr. Welch about his case once—in March 2018. Mr. Welch acknowledged that he had only visited Mr. Mahoney in prison on one occasion but that he and his client had discussed "generally what's going on" and "the evidence against him" and "what we might do in response to that" during court appearances. Mr. Welch had also filed pre-trial motions and had apparently provided Mr. Mahoney with some, but not all, of the State's disclosures.

The court, pointing out that Mr. Mahoney's trial was set for September 4, 2018 (approximately two months away),[4] asked Mr. Welch if he would meet with Mr. Mahoney again before the start of trial. Mr. Welch responded, "I can meet with him again. I don't know that there's anything further that would really be helpful in terms of preparing for trial, but I could do that." The court also agreed that it was not unreasonable for Mr. Mahoney to want to see the State's disclosures to understand where he stood and asked Mr. Welch to provide his client with copies of the relevant reports. Mr. Welch agreed to do so.

The court then ruled:

> THE COURT: Okay. All right. Well, it is July 10th. We have a little over—a little less than two months to prepare. It will go to trial. I'm confident that Mr. Welch will be able to meet with Mr. Mahoney and go over the case. So at this point in time based on what's been presented to me—I understand what you're saying, Mr. Mahoney, but based on the way this case is set now, your trial is off about two months. You have a very competent attorney who's been appointed to you. We've had this sort of—I've heard your explanation. At this point in time I am going to find there isn't a meritorious reason at this point then to discharge counsel as I believe. And, Mr. Welch, you're going to assure me you're going to—just to put it on the record, you're going to be prepared to proceed ahead for trial on September 4th; correct?
>
> MR. WELCH: Yes.
>
> THE COURT: Okay. Mr. Mahoney, anything else that you wish to say?
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> MR. MAHONEY: No, no, Your Honor.
>
> THE COURT: All right. So at this point in time I will then for the record find that there is not a meritorious reason for the discharge of counsel and I will not discharge Mr. Welch. Okay. Thank you very much.

[4] The trial was later postponed until January 7, 2019.

Mr. Mahoney proceeded to trial with Mr. Welch as his attorney, and the record does not reflect any further expression of dissatisfaction with Mr. Welch's representation.

The Sixth Amendment to the United States Constitution and Article 21 of the Maryland Declaration of Rights guarantee a criminal defendant the right to counsel. Lopez v. State, 420 Md. 18, 33 (2011) (quotations omitted). These constitutional guarantees encompass not only the right to assistance by an attorney but also the right of a defendant to reject counsel and represent himself. Id.

Maryland Rule 4-215(e) sets forth the requirements for a valid and effective waiver of counsel, and provides:

> If a defendant requests permission to discharge an attorney whose appearance has been entered, the court shall permit the defendant to explain the reasons for the request. If the court finds that there is a meritorious reason for the defendant's request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds no meritorious reason for the defendant's request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. If the court permits the defendant to discharge counsel, it shall comply with subsections (a)(1)-(4) of this Rule if the docket or file does not reflect prior compliance.

The requirements of Rule 4-215 are considered mandatory in order to "to protect the fundamental rights involved, to secure simplicity in procedure, and to promote fairness in administration." Parren v. State, 309 Md. 260, 280 (1987). "[S]trict compliance" with the Rule is required, and "a trial court's departure from the requirements of Rule 4-215 constitutes reversible error." Pinkney v. State, 427 Md. 77, 87-88 (2012).

Pursuant to Rule 4-215(e), when a defendant requests permission to discharge his attorney, the court must first provide the defendant the opportunity to explain why he wants to discharge the attorney. Hawkins v. State, 130 Md. App. 679, 686 (2000). Although the trial court need not engage in a "full-scale inquiry," the record must indicate that the court at least considered the defendant's reasons for requesting his attorney's dismissal before rendering a decision. Id.

After hearing the defendant's explanation, the court must then determine if the request is supported by meritorious reasons, or "good cause." Dykes v. State, 444 Md. 642, 652 (2015). If the defendant presents facially meritorious reasons for dissatisfaction with his attorney, the trial court must give "careful consideration" to the validity of those reasons. Hawkins, 130 Md. App. at 687.

If the trial court finds that the defendant has a meritorious reason for discharging his attorney, it must grant the request and give the defendant the opportunity to retain new counsel. Williams v. State, 321 Md. 266, 273 (1990). If the court finds that the reason given is not meritorious, it may: (1) deny the request and continue the proceedings; (2) permit the discharge but require counsel to remain on standby; or (3) grant the request and relieve counsel of any further obligation. Id.

"In evaluating the trial court's compliance with Rule 4-215(e), Maryland appellate courts generally apply a *de novo* standard of review." Cousins v. State, 231 Md. App. 417, 438 (2017) (citations omitted). If we find that the trial court has complied with the general procedural dictates of Rule 4-215(e), we review the court's determination that the defendant had no meritorious reason to discharge counsel for an abuse of discretion. Id.

Here, the court had received a letter from Mr. Mahoney requesting the discharge of his attorney, triggering the court's inquiry into Mr. Mahoney's reasons for seeking to dismiss his attorney. The court specifically asked Mr. Mahoney, "[W]hy do you want Mr. Welch discharged?" Mr. Mahoney explained that Mr. Welch had only visited him once in prison in the months he had been incarcerated and had not provided requested the discovery disclosures. The court permitted Mr. Welch to respond to Mr. Mahoney's complaints, and the attorney conceded that he had only seen Mr. Mahoney once in jail but stated that he had discussed the case with him during several court appearances, that he had filed motions, including a motion to sever and a motion suppress, and agreed that he would visit Mr. Mahoney in the two months remaining before the scheduled start of trial and provide him with the State's disclosures. Mr. Welch also assured the court that he had been "working on other things" regarding Mr. Mahoney's case in order to be prepared for trial in September.

The trial court did not abuse its discretion in denying Mr. Mahoney's motion to discharge counsel. The trial court provided Mr. Mahoney with the opportunity to explain the reasons for his request, and clearly appreciated Mr. Mahoney's concerns. The trial court considered the amount of time left before the trial date and obtained assurances from Mr. Mahoney's counsel that those concerns would be addressed. And most importantly, Mr. Mahoney did not raise any further concerns about defense counsel's representation, thus the trial court had every reason to believe that Mr. Mahoney's concerns were, in fact, satisfactorily addressed. Accordingly, we find no abuse of discretion in the court's denial of the motion to discharge counsel.

VOIR DIRE

Mr. Mahoney also contends that the trial court erred in propounding a compound question regarding the prospective jurors' "strong feelings" about crime during voir dire. Recognizing that he failed to preserve this issue for appellate review because he did not object to the question at the time it was propounded, Mr. Mahoney urges us to invoke our discretion and consider the issue for plain error.

We decline to do so. Even if the alleged compound question was erroneous, it appears that Mr. Mahoney's counsel invited, or at least waived any objection to a compound "strong feelings" question, by requesting a similar question. Mr. Mahoney's counsel requested that the court ask the potential jurors whether they had ever been the victim of an assault or witnessed a shooting and "whether that experience would affect the juror's ability to be fair and impartial?" Because Mr. Mahoney invited the claimed error of which he complains, we decline to review it. See State v. Rich, 415 Md. 567, 575 (2010) (cleaned up) ("The 'invited error' doctrine is a shorthand term for the concept that a defendant who himself invites or creates error cannot obtain a benefit—mistrial or reversal—from that error.")

Moreover, even in the absence of an invited error or waiver, this issue is not appropriate for plain error review under the facts of this case. Plain error review is "reserved for those errors that are compelling, extraordinary, exceptional or fundamental to assure the defendant of a fair trial." Robinson v. State, 410 Md. 91, 111 (2009) (cleaned up). The standard for exercising plain error review is:

> First, there must be an error or defect—some sort of deviation from a legal rule—that has not been intentionally relinquished or abandoned, i.e., affirmatively waived, by the defendant. Second, the legal error must be clear or obvious, rather than subject to reasonable dispute. Third, the error must have affected the defendant's substantial rights, which, in the ordinary case, means that the defendant must demonstrate that the error affected the outcome of the trial court proceedings. Fourth and finally, if the above three prongs are satisfied, the appellate court has the discretion to remedy the error—discretion that ought to be exercised only if the error seriously affects the fairness, integrity or public reputation of judicial proceedings. Meeting all four prongs is difficult, as it should be.

Givens v. State, 449 Md. 433, 469 (2016) (cleaned up). Our discretion is "unfettered," and we may decline to do exercise it without any explicit justification or explanation. Morris v. State, 153 Md. App. 480, 507 (2003).

Mr. Mahoney was permitted to participate fully in the voir dire process, to strike jurors for cause, and to exercise peremptory strikes. We see no indication that such an error could have seriously undermined Mr. Mahoney's ability to receive a fair trial or the public's confidence in the fairness of the judicial proceedings. See Robinson, 410 Md. at 111.[5] We decline, therefore, to exercise plain error review in this instance.

MESSAGING EVIDENCE

Mr. Mahoney argues that the trial court abused its discretion in admitting hearsay

[5] In his reply brief, Mr. Mahoney asserts that if we are to agree that he waived his right to appeal the voir dire issue, he was denied his right to effective assistance of counsel. Because this argument is raised for the first time in his reply brief, however, we decline to consider it. See Gazunis v. Foster, 400 Md. 541, 554 (2007) ("[A]ppellate courts ordinarily do not consider issues that are raised for the first time in a party's reply brief."). Additionally, the proper vehicle for a claim of ineffective assistance of counsel is generally a post-conviction proceeding, not a direct appeal. See, e.g., Smith v. State, 394 Md. 184, 199 (2006).

evidence in the form of text messages and Facebook messages[6] between Ms. Barnes and Mr. Wilson, and Ms. Barnes and her best friend, Briona Jordan, on the day she was shot. Because the messages from Ms. Barnes do not fall into any exception to the rule against the admission of hearsay evidence, he argues, their admission by the trial court was reversible error.[7]

Both Mr. Wilson and Ms. Jordan testified during trial that each was in communication with Ms. Barnes on December 22, 2016, Mr. Wilson via text messaging on his cell phone and Ms. Jordan via Facebook messaging. According to Ms. Jordan, one message from Ms. Barnes reported that Ms. Barnes had seen "Koy" as she arrived at Ms. Hopper's house and that "[f]ive minutes later, 'Tay' came knocking" on the door. A second message to Ms. Jordan stated that "they" called Mr. Wilson's mother and told her "he going to die tonight."

Mr. Wilson testified that Ms. Barnes began texting him about the Mahoney brothers at approximately 5:00 p.m. on December 22, 2016, indicating that they had followed her to Ms. Hopper's house, that she had just seen "Koy" on the block, and that "Tay" had just knocked on Ms. Hopper's door. At 5:53 p.m., she texted Mr. Wilson to say that she was

[6] During trial, Mr. Mahoney also objected to the lack of adequate authentication of the text and Facebook messages. He does not raise an issue relating to authentication of the messages on appeal.

[7] To the extent that the trial court conflated the issues of hearsay and authentication in its rulings, it is of no moment because "an appellate court may affirm a trial court's decision on any ground adequately shown by the record even though the ground was not relied upon by the trial court or the parties." YIVO Inst. for Jewish Research v. Zaleski, 386 Md. 654, 663 (2005).

at Ms. Hopper's house and scared. At 5:57 p.m., the last time Mr. Wilson heard from her, Ms. Barnes texted, "I don't know what to do." Ms. Hopper then testified that it was around 6:00 p.m. when the two masked men entered her home.

Md. Rule 5-801(c) defines hearsay as "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Md. Rule 5-802 provides that, "[e]xcept as otherwise provided by these rules or permitted by applicable constitutional provisions or statutes, hearsay is not admissible."

Hearsay is admissible if it falls within an exception to the hearsay rule or is permitted by applicable constitutional provisions or statutes. Thomas v. State, 429 Md. 85, 98 (2012); Rule 5-802. But, a trial court "'has no discretion to admit hearsay in the absence of a provision providing for its admissibility.'" Gordon v. State, 431 Md. 527, 536 (2013) (quotation omitted).

Md. Rule 5-803 sets forth certain exceptions to the application of the hearsay rule, and provides in relevant part:

> The following are not excluded by the hearsay rule, even though the declarant is available as a witness:
>
> ***
>
> **(b) Other Exceptions.**
>
> (1) *Present Sense Impression.* A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

To constitute a present sense impression under Rule 5-803(b)(1), the statement "'must have been made either during the declarant's perception of the event or condition

in question or immediately afterwards. Anything more than a slight lapse of time between the event and the statement will make the statement inadmissible.'" Morten v. State, 242 Md. App. 537, 556 (2019) (cleaned up). The reason for the requirement of only a slight lapse of time flows the spontaneity of the statement. Booth v. State, 306 Md. 313, 324 (1986). The appropriate inquiry is therefore "whether, considering the surrounding circumstances, sufficient time elapsed to have permitted reflective thought." Id.

Here, the messages from Ms. Barnes to Mr. Wilson and Ms. Jordan explaining events indicated that she had "just" seen Tikoy Mahoney outside Ms. Hopper's house and that Trevante Mahoney had "just" knocked on the door. The messages were sufficiently contemporaneous with her observations of the events, and were, therefore, admissible under the present sense impression exception. The court did not abuse its discretion in admitting this evidence.

SUFFICIENCY OF EVIDENCE

Mr. Mahoney argues that the evidence presented at trial was insufficient to sustain his conviction of conspiracy to commit first-degree murder. Conceding that the State may have proven he conspired with his brother to commit burglary and first-degree assault, Mr. Mahoney disagrees that the conduct supporting conspiracy to commit those crimes also supported a finding that the brothers entered Ms. Hopper's house *with the purpose of killing Ms. Barnes*, or agreed to do so once they were inside, as the evidence tended to prove only that they were looking for Mr. Wilson when they entered the house.

An appellate court reviews a challenge to the sufficiency of the evidence 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.'" Grimm v. State, 447 Md. 482, 494-95 (2016) (quotation omitted). When a sufficiency challenge is made, our concern is not whether the "verdict is in accord with what appears to us to be the weight of the evidence[;]" rather, our concern is "only with whether the verdict [was] supported with sufficient evidence—that is, evidence that either showed directly, or circumstantially, or supported a rational inference of facts which could fairly convince a trier of fact of the defendant's guilt of the offenses charged beyond a reasonable doubt." State v. Albrecht, 336 Md. 475, 478-79 (1994); see also Bible v. State, 411 Md. 138, 156 (2009). The jury, as fact-finder, may "choose among differing inferences that might possibly be made from a factual situation and [we] must give deference to all reasonable inferences that the fact-finder draws, regardless of whether [we] would have chosen a different reasonable inference." Bible, 411 Md. at 156 (cleaned up).

"'A criminal conspiracy is the combination of two or more persons, who by some concerted action seek to accomplish some unlawful purpose, or some lawful purpose by unlawful means.'" Hall v. State, 233 Md. App. 118, 138 (2017) (quotation omitted). "The agreement at the heart of a conspiracy 'need not be formal or spoken, provided there is a meeting of the minds reflecting a unity of purpose and design.'" Carroll v. State, 428 Md. 679, 696-97 (2012) (quotation omitted).

To be found guilty of conspiracy, the defendant "must have a specific intent to commit the offense which is the object of the conspiracy." Alston v. State, 414 Md. 92, 114-15 (2010). "When the object of the conspiracy is the commission of another crime, as

in conspiracy to commit murder, the specific intent required for the conspiracy is not only the intent required for the agreement but also, pursuant to that agreement, the intent to assist in some way in causing that crime to be committed." Mitchell v. State, 363 Md. 130, 146 (2001).

Regarding the evidence required to establish a conspiracy, we have stated:

> In conspiracy trials, there is frequently no direct testimony, from either a co-conspirator or other witness, as to an express oral contract or an express agreement to carry out a crime. It is a commonplace that we may infer the existence of a conspiracy from circumstantial evidence. If two or more persons act in what appears to be a concerted way to perpetrate a crime, we may, but need not, infer a prior agreement by them to act in such a way. From the concerted nature of the action itself, we may reasonably infer that such a concert of action was jointly intended. Coordinated action is seldom a random occurrence.

Jones v. State, 132 Md. App. 657, 660 (2000).

The evidence admitted at trial was sufficient for a fact-finder to conclude beyond a reasonable doubt that Trevante Mahoney and Tikoy Mahoney conspired to commit the first-degree murder of Ms. Barnes. The evidence, viewed in the light most favorable to the State, shows that in December 2016, the Mahoney brothers had a "beef" with Mr. Wilson, Ms. Barnes's boyfriend. On the evening of December 22, 2016, Ms. Barnes sent a text message to Mr. Wilson stating that the Mahoney brothers had followed her to Ms. Hopper's house and that she was afraid.

Shortly thereafter, two men dressed in black, wearing masks, and carrying guns kicked in the back door of Ms. Hopper's house. One man remained downstairs, employing his weapon to keep Ms. Barnes and Mr. Mitchell on the floor, where they had been ordered to lie down. He asked repeatedly for "Rae," who the jury could infer was Mr. Wilson. The

other man, identified as Mr. Mahoney by Ms. Barnes's sister, followed Ms. Hopper upstairs, also looking for "Raquon."

After searching the upstairs rooms and failing to find Mr. Wilson, Mr. Mahoney returned to the first floor, and, without saying a word, shot Ms. Barnes several times with a rifle, using .9 millimeter ammunition. During the autopsy, however, the medical examiner recovered .38 millimeter bullet fragments from Ms. Barnes's head, suggesting that both men had fired simultaneously at the victim. The brothers then exited the house together.

A search warrant executed at Mr. Mahoney's home yielded black jackets, masks, a gun, and mail and identification in the name of Mr. Mahoney. DNA testing linked the masks to Tikoy Mahoney.

A reasonable fact-finder could infer that the Mahoney brothers, during a search for Mr. Wilson, with whom they were engaged in a disagreement, had agreed to follow Ms. Barnes with the hope she would lead them to Mr. Wilson. They then, in concert, broke into the home where they knew her to be. They both carried guns and wore masks, suggesting that they had agreed to, and taken steps to, undertake violence and conceal their identities.

Once inside, the brothers separated, one remaining downstairs to control Ms. Barnes and Mr. Mitchell, the other following Ms. Hopper upstairs to look for Mr. Wilson. Unable to find Mr. Wilson, Mr. Mahoney returned to the first floor of the house and shot Ms. Barnes, with no apparent surprise from his brother, who apparently also shot her using a different gun. The men then left the house together. Later, a mask containing Tikoy

Mahoney's DNA was found in Mr. Mahoney's house, permitting an inference that they remained together after the shooting or agreed to meet at that house after the murder. The manner in which they executed their plan indicates advanced thought, preparation and coordination.

A reasonable inference can be drawn that Tikoy Mahoney not only knew that Mr. Mahoney was going to shoot the victim if they were unable to locate Mr. Wilson but that the two were acting in concert during the commission of the crime. The brothers' actions prior to, during, and following the murder support a reasonable inference that the two had a "meeting of the minds" to accomplish the deliberate, premeditated, and willful murder of Ms. Barnes. Therefore, there was sufficient evidence to find Mr. Mahoney guilty of conspiracy to commit first-degree murder.

JUDGMENTS OF THE CIRCUIT COURT FOR BALTIMORE CITY AFFIRMED; COSTS ASSESSED TO APPELLANT.