

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2559

September Term, 2014

KEION RICKS

v.

STATE OF MARYLAND

Woodward,
Friedman,
Thieme, Raymond G., Jr.
(Retired, Specially Assigned),

JJ.

Opinion by Thieme, J.

Filed: September 15, 2015

*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.

A jury in the Circuit Court for Baltimore City convicted Keion Ricks, appellant, of fleeing and eluding a uniformed police officer, in violation of Md. Code, section 21-904(b) of the Transportation Article. Appellant, who was sentenced to one year, suspended, and one year of probation, contends that there is insufficient evidence to sustain that conviction. We disagree.

FACTS AND LEGAL PROCEEDINGS

At trial, the State presented evidence that as uniformed police officers were inquiring into why appellant's vehicle was blocking a traffic lane on a residential street, appellant pulled forward and failed to obey an officer's audible command to stop.

At 8:25 p.m. on July 5, 2014, Baltimore City Police Officer Robert Logan was patrolling the 2600 block of Francis Street in a marked police vehicle with two other officers. About ten minutes earlier, there had been a broadcast regarding a shooting in the vicinity, involving a dark four-door car.

Ofc. Logan, the only prosecution witness, testified that all three officers were wearing navy blue BPD uniforms, consisting of cargo pants and short-sleeved collared shirts, with their badges displayed on their chests. Their patrol vehicle was a white SUV marked with blue stripes and police decals, and equipped with exterior emergency lights and a siren.

Ofc. Logan testified that he noticed that a dark four-door sedan was stopped alongside parked cars on Francis Street, blocking the only traffic lane of that residential street. Investigating the double-parked vehicle, the officers pulled up next to it, without activating emergency lights or sirens.

Ofc. Logan approached the driver's window, where appellant was seated. According to Logan, there was no passenger in the vehicle. Lt. Rice noted that appellant was double-parked, and Ofc. Logan asked appellant for his license and car registration. When appellant handed over his license, the officer began "to run him over dispatch."

Lt. Rice then asked appellant to step out of his vehicle. Appellant asked why, and Lt. Rice made a second request. At that point, appellant's car "started to pull forward." Ofc. Logan testified that as the vehicle did so, he "yelled stop." But the car "continued to pull forward," then "accelerated fast" and turned at the corner. By the time the three officers returned to their vehicle, turned it around, and drove around the corner, appellant's vehicle was not in sight.

Based on these events and appellant's driver's license, which appellant left in Ofc. Logan's possession, appellant was charged with double-parking and "attempting to elude [a] police officer by . . . willfully failing to stop the driver's vehicle" upon a "visual or audible signal to stop" by a uniformed police officer, in violation of Md. Code, § 21-904(b)(1) of the Transportation Article.

Appellant's passenger and his girlfriend both testified in his defense. According to both women, appellant was stopped outside his friend Sabrina Hutchinson's residence, having driven her home from work. Appellant's girlfriend, Jennifer Young, had driven her car separately and was parked on the same street when the police encounter occurred.

Ms. Hutchinson testified that while she and appellant were talking in the car outside her home, an unmarked white van pulled up quickly next to appellant's vehicle. Three or four men wearing navy blue cargo pants and t-shirts, without badges, approached appellant's vehicle and asked "what he was doing." Ms. Hutchinson testified that they told the officers that appellant was just dropping her off at her home, and that she then got out of the car and went inside, "to prove that [she] lived there." As she was getting out of appellant's car, he was handing his license to an officer. She did not see appellant leave.

Ms. Young testified that she followed appellant as he drove Ms. Hutchinson home from work. She was parked on the same street, where she could see and hear the encounter at appellant's vehicle. Ms. Hutchinson was still in the car with appellant when a white vehicle pulled up and three men dressed alike approached appellant's vehicle. After Ms. Hutchinson went into her house and appellant gave them his license, one of the men reached in and pulled at appellant while he still in his vehicle. At that point, appellant drove off and disappeared around the corner.

DISCUSSION

Appellant was convicted of violated Transp. § 21-904(b), which provides that "[i]f a police officer gives a visual or audible signal to stop and the police officer is in uniform, prominently displaying the police officer's badge or other insignia of officer, a driver of a vehicle may not attempt to elude the police officer by . . . fleeing[.]" Appellant contends that "the evidence is insufficient to sustain [his] conviction for fleeing and eluding" because the

State “failed to show that [a]ppellant attempted to elude the police by willfully failing to stop in response to an audible signal by Officer Logan.” Specifically, appellant maintains that “the evidence does not establish that an ‘audible signal’ was given[.]” In support, appellant argues:

Appellant was stopped when approached by the officer, then took off. Officer Logan testified that, at some point as [a]ppellant was driving away, he “yelled” at [a]ppellant to stop. This does not establish whether [a]ppellant heard, or even could have heard, his order to “stop.” There was no evidence as to how close Officer Logan was to Appellant when he ordered him to stop. There was no evidence as to whether the windows of the car were up, or down, when [a]ppellant took off in his car. There was no evidence as to whether the car’s air conditioner was running, although these events took place on a July evening in Baltimore City, . . . [when it] is generally hot There was no evidence as to whether the car’s stereo system – which [a]ppellant had just had installed that day – was on, and, if it was, at what volume it was playing.

We review a criminal conviction to determine whether, on the evidence presented, considered in the light most favorable to the State, “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Spencer v. State*, 422 Md. 422, 433 (2011); *see Jackson v. Virginia*, 443 U.S. 307, 319, 99 S. Ct. 2781, 2789 (1979). Whether the evidence was legally sufficient to support a conviction is a question of law that this Court reviews by making an independent judgment based on the evidence admitted at trial. *See Polk v. State*, 183 Md. App. 299, 306 (2008). “If the evidence ‘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[.]’ then we will affirm that conviction.” *Bible v. State*, 411 Md. 138, 156 (2009) (quoting *State v. Stanley*, 351 Md. 733, 750 (1998)). This standard “gives full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts.” *Jackson*, 443 U.S. at 319, 99 S. Ct. at 2789.

Viewed within this analytical framework, the issue raised by appellant is whether there is any evidence from which the jury could find that appellant heard Ofc. Logan’s audible command to stop. The answer is clearly, “yes.”

“It is the well-established rule in Maryland that the testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction.” *Reeves v. State*, 192 Md. App. 277, 306 (2010). The jury was entitled to credit Ofc. Logan’s testimony that he “yelled” his command to stop, as appellant began to pull his vehicle forward. Moreover, there was ample evidence from which the jury could find that appellant heard Ofc. Logan’s command through his open car window.

There was no evidence that appellant’s radio was playing during his encounter with three police officers. To the contrary, it was undisputed that Ofc. Logan and Lt. Rice were standing at the driver’s window where appellant was seated, that appellant had just handed his driver’s license out that window, that Ofc. Logan was still holding appellant’s license, and that there was a continuing conversation between appellant and Lt. Rice. According to Ms. Young, who witnessed the encounter while sitting in her car parked down the street, she

could hear what Lt. Rice said to appellant from where she sat, and Lt. Rice reached into appellant's vehicle just before the car moved forward.

Collectively, this evidence presented the jury with a clear choice as to whether appellant was able to hear Ofc. Logan's command to stop. The jury could infer from Ofc. Logan's description of this encounter and the evidence that one of the officers could be heard down the street, that appellant could and did hear Ofc. Logan yell "stop" as he pulled forward. Accordingly, the evidence supports appellant's conviction under Transp. § 21-904(b).

JUDGMENT AFFIRMED. COSTS TO BE PAID BY APPELLANT.