Circuit Court for Montgomery County
Case No. 137898C

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1749

September Term, 2022

DAVON R. TAYLOR

v.

STATE OF MARYLAND

Arthur,
Albright,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: May 8, 2024

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

A jury in the Circuit Court for Montgomery County convicted appellant Davon R. Taylor of four counts of second-degree rape, four counts of third-degree sexual offense, and one count of sexual abuse of a minor. The court sentenced him to a total of 65 years of imprisonment, with all but 50 years suspended.

Challenging his convictions, Taylor presents two questions:

1. Did the lower court err in admitting [a] social worker's testimony that it is not uncommon for children to leave out details during forensic interviews?

2. Was the evidence legally insufficient to support any conviction for second degree rape owing to a lack of any evidence of force or threat of force?

Concluding that the trial court did not err in overruling Taylor's objection to the social worker's testimony and that the evidence supports his rape convictions, we shall affirm those judgments.

BACKGROUND

At trial, C.[1] testified that on September 13, 2020, Taylor picked her up from her cousin's house, where she had been staying. At the time, she was 15 years old. Taylor, her half-brother, was 32.

After Taylor picked up C., they went to a corner store, where he bought some liquor. While walking back to the car, Taylor asked C. whether she was wearing underwear. His question made her feel "[u]ncomfortable."

[1] We have randomly selected the initial "C." to refer to the victim, whose first name may or may not begin with that letter. We shall identify other witnesses by reference to their relationships to C. and Taylor.

Without further incident, they drove to their father's apartment. While they were at their father's apartment, she saw Taylor drinking alcohol.

As it started to get dark, C. and Taylor left their father's apartment and drove to the apartment building where Taylor was living with another sister and brother. Once they had arrived, they played video games until it was time for Taylor to pick up his sister from work and take C. back to her cousin's house. When they left the apartment, they stopped into a convenience store in the basement of the building, where Taylor bought more liquor.

Leaving the store, they walked down the hallway toward the adjacent garage, where the car was parked. After again asking C. whether she was wearing underwear, Taylor put his hand in her pants to check, touching her vagina. She said that she "was shocked[,]" "surprised," [and] "caught off guard." Feeling "stuck[,]" she "[w]alked a little faster" and "dipped down a little bit to make his hand fall out."

"[S]till processing" what her half-brother had done, C. silently continued to the car, which was backed into a parking space located next to a wall in a corner of the garage. While C. and Taylor were in the front seats, C. put on music. C. was "[s]urprised" when Taylor "put his hands in [her] leggings and pulled it down" with one hand, "[f]ar enough that he could lick" her "vagina." Then he "grabbed" her wrist in a "firm" grip, directed her to get into the back seat, and moved the front seats forward for her to do so.

When she got into the back seat, Taylor "redirected [her] legs to face him" while she was on her back. "Hovering over" her, he took off her leggings and his pants and put

his penis in her vagina. Although she told him "to stop" and that "it hurt," he did not stop.

Taylor said that he "wished [she] wasn't his sister" and asked her "if [she] was on Depo[,]" which she did not understand until later was "[b]irth control." He "put his fingers in [her] butt" and "wanted [her] to give head." He "moved [her] to a position where [she] was sitting up" so that he could put his penis in her mouth. Eventually, he ejaculated on the cloth seat. After using some clothing to wipe the seat, Taylor "told [C.] to stay in the backseat so [his sister] wouldn't see the stain."

C. testified that she "zoned out[,]" was "in shock," and felt "confused," "nervous," and as though she was having an "anxiety attack." She had no phone.

After getting dressed, Taylor drove to a gas station, where he got C. a bottle of water. He proceeded to pick up his sister, who owned the car. On the way to drop C. off at her cousin's house, they went to a fast food restaurant, where Taylor bought C. a sandwich.

C. was feeling "[o]ut of [her] body[.]" Returning to the home of her cousin, with whom she was closest at the time, C. gave her food to her cousins. When she was alone with the cousin who was her age and whose room she was sharing, C. told her "[e]verything that happened" and said that her vagina hurt. C.'s cousin brought her ice and inspected her vagina, finding it swollen and irritated. C. testified that her vagina hurt for "a week."

At trial, C.'s cousin confirmed that Taylor picked up and dropped off C. at her house. The cousin also confirmed C. told her that Taylor raped her in his car. According

to the cousin, C. said that Taylor's fingers and penis were "inside of her vagina[,]" that "he made her suck his penis," and that he put his fingers in her "butt." "[C]rying," C. told her that Taylor asked if she was on Depo and instructed her not to say anything. C.'s cousin testified that C. said her vagina hurt, so she got "ice for her" and observed that it was "puffed up."

C. said that she waited to tell others about the assault because she "was scared" and did not want to spoil her mother's birthday party, scheduled for the next day at the house where she was staying. C.'s mother testified that at her birthday party on September 14, 2020, Taylor was present and C. was "off, like not her normal."

A couple of weeks later, C. felt that "[i]t was too much" and told her mother, and then her sister and father, what had happened. She revealed that she had kept the leggings, which were still in the condition she wore them on the day of the assault, with white discharge on them.

At trial, C.'s mother testified that on September 13, 2020, she asked Taylor to pick up C. from her aunt's house and "talk to" her because she was "acting up, being disrespectful . . . and she looked up to him." When C. came into her bedroom a couple weeks later, "crying" and "hysterical," she said that Taylor had "raped" her. Taylor claimed that he "didn't touch her."

C.'s father testified that Taylor was with C. at his home on September 13, 2020, and that C. and her mother called him about two weeks later to report the incident. When C.'s father called him about the accusation, Taylor denied it. C.'s sister testified that

after C. told her that Taylor's mouth and penis touched her vagina, she called Taylor, who repeatedly denied C.'s allegations.

On the same day that C. told her family members about what Taylor did, she and her mother went to the police station to file a report and hand over C.'s clothing. Her black leggings were "hard, soiled . . . all in the groin part, the buttocks part" so that "you couldn't fold them[.]" DNA test results established Taylor "as a major contributor" to the semen found on the crotch of C.'s leggings.

Sarah Kulow-Malave, "the dedicated forensic interviewer at the Montgomery County Child Advocacy Center," interviewed C. on October 1, 2020. We review the relevant details from that interview in Part I of our discussion. Most notably, Ms. Kulow-Malave testified, over a relevance objection on re-direct examination, that it is "not uncommon" for children to "leave out details of sexual abuse" during forensic interviews.

During a recorded interview with police, Taylor denied the allegations, claiming that he did not remember any such thing happening. At trial, Taylor challenged C.'s credibility by pointing to inconsistencies in her accounts of the incident; presenting testimony from two other family members that, at the time of the incident, his left hand was stitched and bandaged after his tendons were cut, so that he could not move his fingers "much at all"; and questioning whether the DNA samples were tainted. Taylor's sister testified that on September 13, 2020, when Taylor picked her up from work, C. was with him and "seemed ok[,]" and was "laughing, making jokes, [and] giggling" before they dropped her off at her cousin's home.

DISCUSSION

I. Social Worker's Testimony

Taylor contends that the trial court erred in admitting re-direct testimony by the social worker who interviewed C., that it is "not uncommon" for children to "leave out details of sexual abuse" during forensic interviews. The challenged testimony occurred after Ms. Kulow-Malave testified on direct examination about her experience as a trained forensic interviewer who follows nationally recognized protocols designed to make children feel comfortable, while avoiding suggestibility. In her eight years in that job, she had conducted more than 2,000 forensic interviews.

Before interviewing C. on October 1, 2020, Ms. Kulow-Malave knew only her name, age, and "a general idea of what" C. had told the police. Fifteen-year-old C. "seemed uncomfortable" and reluctant, looking away, avoiding eye contact, crossing her arms, and talking quietly. Over the course of an hour, C. disclosed the sexual abuse by Taylor on September 13, 2020, providing "some details[.]"

On cross-examination, defense counsel asked Ms. Kulow-Malave about "what [C.] didn't say." Counsel focused on details that C. mentioned at trial, but did not disclose during their interview. Ms. Kulow-Malave conceded that C. did not tell her "that she was in shock[,]" "zoned out[,]" or "frozen" during "the alleged event in the car[.]" Nor did C. tell Ms. Kulow-Malave that she said "stop or no[,]" "that there was any fellatio," "that

she had an anxiety attack[,]" or that Taylor asked if she was on birth control.[2] In addition, C. told Ms. Kulow-Malave that she was wearing underwear on the day in question and that she returned to the front seat after the assaults in the back seat, but at trial she testified that she was not wearing underwear and stayed in the backseat.

On re-direct, in an effort to rebut the inference that C. fabricated her allegations, the prosecutor elicited the testimony that Taylor now challenges:

> **[PROSECUTOR]: Ms. Kulow-Malave, is it uncommon for children to leave out details of abuse during these forensic interviews?**
>
> **[DEFENSE COUNSEL]: Objection to relevance of this case.**
>
> **THE COURT: Overruled.**
>
> **[WITNESS]: It's not uncommon, no.**
>
> [PROSECUTOR]: Okay. And is it fair to say that you're asking, in this interview, [C.] questions and that she's answering the questions you're asking her?
>
> [WITNESS]: Yes.
>
> [PROSECUTOR]: Okay. And you don't know the full facts of the case prior to [C.] coming in.
>
> [WITNESS]: Correct.
>
> [PROSECUTOR]: Okay. So it's fair to say you don't know if there's other questions you could be asking her to elicit further responses.
>
> [WITNESS]: Right.

(Emphasis added.)

[2] As the State points out, C. did disclose some of the details she omitted during her forensic interview to family members and a friend, including that she told Taylor to stop, that he asked about birth control, and that he demanded fellatio.

Taylor contends that because "Ms. Kulow-Malave was a purely fact witness and, technically speaking, a lay-witness," her "testimony that it is not uncommon for children to leave out details of abuse during forensic interviews was either irrelevant and/or impermissible as beyond the limitations or parameters of lay-opinion testimony (i.e., rationally based on perception), or it was impermissible opinion testimony that was beyond the ken of a lay-witness, or both." Taylor also contends that the testimony was beyond the scope of Ms. Kulow-Malave's cross-examination and constituted "impermissible comment on the veracity of a witness." Taylor failed to preserve most of these arguments.

At trial, Taylor objected on the specific ground of relevance and on no other ground. His objection "went too far to be a general objection and not far enough to preserve his arguments on appeal." *DeLeon v. State*, 407 Md. 16, 25 (2008). By objecting that the social worker's testimony about children leaving out details when reporting abuse lacked "relevance to this case," Taylor waived his other evidentiary challenges. *See, e.g.*, *DeLeon v. State*, 407 Md. at 25 (recognizing that an evidentiary objection "loses its status as a 'general' one . . . '*where the objector,* '*although not requested by the court, voluntarily offers specific reasons*'" and is thereby "limited to the grounds explicitly raised in the trial court") (emphasis added in *DeLeon*) (quoting *Boyd v. State*, 399 Md. 457, 476 (2007)); *see also Ware v. State*, 360 Md. 650, 675-76 (2000) (defendant waives other grounds of objection "when the only objection at trial was on grounds of relevancy"); *Klauenberg v. State*, 355 Md. 528, 541-42 (1999) (same). These potential evidentiary objections include Taylor's arguments that the prosecutor's question

elicited evidence that was beyond the scope of cross-examination or amounted to impermissible lay opinion testimony or an impermissible comment on the veracity of the witness.

On the preserved issue, we address whether the trial court erred in overruling Taylor's relevance objection. Evidence is relevant when it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Md. Rule 5-401. In general, "all relevant evidence is admissible[,]" and "[e]vidence that is not relevant is not admissible." Md. Rule 5-402. Establishing relevance "'is a very low bar to meet[,]'" *Montague v. State*, 471 Md. 657, 674 (2020) (quoting *Williams v. State*, 457 Md. 551, 564 (2018)), because evidence is relevant when it "'could reasonably show that a fact is slightly more probable than it would appear without that evidence.'" *Smith v. State*, 423 Md. 573, 591 (2011) (quoting 1 *McCormick on Evidence* § 185, at 776 (4th ed. 1992)). Whether evidence is relevant is a legal question that an appellate court reviews without deference to the trial court. *See State v. Simms*, 420 Md. 705, 725 (2011).

On cross-examination, Ms. Kulow-Malave conceded that C. did not tell her certain details of the incident that C. mentioned at trial. On re-direct, the trial court overruled defense counsel's relevance objection to her re-direct testimony that it is "not uncommon" for children to omit details. We hold that the court did not err in doing so.

The social worker's testimony rebutted the defense's suggestion that C.'s omission of certain details during the one-hour interview meant that her rape allegations were fabricated. Information that it is "not uncommon" for children to "leave out" certain

details of sexual abuse was relevant because it made the truth of what C. reported to the social worker "slightly more probable than it would appear without that evidence[.]" *Smith v. State*, 423 Md. at 591; *see Walter v. State*, 239 Md. App. 168, 198 (2018) (holding that opinion testimony about the phenomenon of delayed disclosure by victims of sexual abuse was relevant where the testimony tended to rebut a defense attack on the victim's credibility).

Moreover, because the cross-examination of Ms. Kulow-Malave drew the credibility of C.'s allegations into question, the social worker's testimony was admissible to explain, reply to, or contradict that "'new matter . . . brought into the case by the accused.'" *Sinclair v. State*, 214 Md. App. 309, 335 (2013) (quoting *Hyman v. State*, 158 Md. App. 618, 631 (2004)) (further citation omitted); *see also State v. Heath*, 464 Md. 445, 459 (2019) (recognizing that under "[t]he opening the door doctrine[,]" evidence may be relevant "in order to respond to (1) admissible evidence which generates an issue, or (2) inadmissible evidence admitted by the court over objection[]"); *Trimble v. State*, 300 Md. 387, 403 (1984) (stating that "[d]efense counsel, having created the issue, cannot now be heard to complain that the State sought to rebut its significance[]"). For these reasons, the trial court did not err in allowing the prosecutor to respond to Taylor's defense that C.'s omission of factual details raised a reasonable doubt about whether she was telling the truth.

In arguing that Ms. Kulow-Malave's testimony was inadmissible, Taylor relies prominently on *Walter v. State*, 239 Md. App. 168 (2018), where this Court held that the factual record was insufficient to support the admission of a social worker's *expert*

opinion that "victims of child sexual abuse often, frequently, or commonly delay in reporting the abuse." *Id.* at 197. In reaching that decision, we wrote:

> Ms. Lemon undoubtedly had an adequate supply of data from her personal experiences, but the reliability of her methodology is another question. From the record before us, it is unclear how Ms. Lemon concluded that victims of child sexual abuse often, frequently, or commonly delay in reporting the abuse. In particular, it is unclear how she determined that a delayed report originated with a bona fide victim as opposed to someone who had fabricated a report or had a false memory of abuse, which, she recognized, sometimes occurs. Ms. Lemon kept no statistics and could point to no peer-reviewed studies to support her conclusion, so she appears to have based her opinion on only an extrapolation from her own experiences. In evaluating those experiences, did she do anything to distinguish true or reliable claims from false or unreliable claims? For example, did she assume that a person was a victim of sexual abuse only if an abuser has been convicted of sexual abuse, or if the abuser has admitted to sexual abuse, or if there is some corroborating evidence of sexual abuse? Did she rely on her own, subjective evaluation of the validity of the claim of abuse? Or did she draw the conclusion from a conflation of all of the claims that she had heard, without distinguishing the true from the false or the reliable from the disproven? We simply do not know.

Id.

We recognized, however, that "[o]n remand," the State was "free to develop the record to establish the reliability of the methodology and thus the sufficiency of the factual basis for the opinion. *Id.*

Invoking *Walter*, Taylor contends that "there was no evidence or testimony regarding the necessary factual bases: both an adequate supply of data (whether by personal experience or otherwise) and the reliability of Ms. Kulow-Malave's methodology." Unlike the witness in *Walter*, however, Ms. Kulow-Malave did not testify as an expert. Furthermore, defense counsel did not object on the grounds that the

testimony was improper opinion testimony or that it lacked an adequate factual basis. If defense counsel had raised a specific objection on those grounds (or a general objection), the State might have elicited further information about the factual basis for Ms. Kulow-Malave's testimony. But because the only objection was limited to the ground of "relevance[,]" the State had no obligation to establish anything other than the relevance of the testimony. The circuit court was not required to decide whether the testimony had an adequate factual basis when it ruled on defense counsel's specific objection on the ground of relevance.[3]

In any event, even if Taylor had asserted the objections at trial that he asserts on appeal, we would find no error. Ms. Kulow-Malave's testimony did not exceed the scope of cross-examination; to the contrary, it was a fair response to the effort, on cross-examination, to identify the details that C. did not relate to Ms. Kulow-Malave. Nor did Ms. Kulow-Malave comment impermissibly on the veracity of a witness: in remarking that it is not uncommon for children to omit the details of traumatic events, she did not vouch for C.'s credibility or opine that C. was telling the truth. *Compare Fallin v. State*, 460 Md. 130, 136 (2018); *Hutton v. State*, 339 Md. 480, 505 (1995); *Bohnert v. State*, 312 Md. 266, 270-72 (1988). Finally, if Ms. Kulow-Malave's testimony involved an opinion at all, it would have been a permissible lay opinion: it was rationally based on the

[3] An additional distinction between *Walter* and this case is that in *Walter* it was unclear exactly who belonged in the class of "victims of sexual abuse" about whom the expert was opining. Did the class contain everyone who claimed to be a victim, or was it limited to children who had somehow been determined to be victims? Here, by contrast, the witness did not testify about "victims," but about "children," a class that is far less difficult to define.

witness's perceptions (which are grounded in her considerable experience), and it was helpful to a clear understanding of C.'s testimony. Md. Rule 5-701. The State did not need to adduce expert testimony on this subject, because it is a matter of common knowledge—and not something beyond the ken of ordinary laypersons—that children will sometimes omit the details of traumatic events, especially when they are required to recount their experiences in an unfamiliar setting (a forensic interview) to an adult whom they do not know or trust. *See Johnson v. State*, 457 Md. 513, 530 (2018) (stating that "[e]xpert testimony is required 'only when the subject of the inference . . . is so particularly related to some science or profession that is beyond the ken of the average layman [; it] is not required on matters of which the jurors would be aware by virtue of common knowledge[]'") (quoting *Bean v. Department of Health and Mental Hygiene*, 406 Md. 419, 432 (2008)).

II. Sufficiency Challenge to Rape Convictions

Taylor challenges the sufficiency of the evidence supporting his rape convictions, arguing that "[t]here was no evidence of force or threat of force in this case." We hold that the evidence was sufficient to support those convictions.

In assessing the sufficiency of the evidence supporting a criminal conviction, 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.'" *McClurkin v. State*, 222 Md. App. 461, 486 (2015) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)); *accord Stanley v. State*, 248 Md. App. 539, 564 (2020). "In applying that standard, we 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.'" *McClurkin v. State*, 222 Md. App. at 486 (quoting *Harrison v. State*, 382 Md. 477, 488 (2004)); *accord Stanley v. State*, 248 Md. App. at 564. On appellate review of evidentiary sufficiency, a court will not "retry the case" or "re-weigh the credibility of witnesses or attempt to resolve any conflicts in the evidence." *Smith v. State*, 415 Md. 174, 185 (2010); *accord Stanley v. State*, 248 Md. App. at 564. The relevant question 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." *Fraidin v. State*, 85 Md. App. 231, 241 (1991) (emphasis in original); *accord Stanley v. State*, 248 Md. App. at 564-65.

Taylor challenges only his convictions for second-degree rape in violation of § 3-304(a)(1) of the Criminal Law Article ("CL") of the Maryland Code (2002, 2021 Repl. Vol.). In pertinent part, that statute prohibits a person from "engag[ing] in vaginal intercourse or a sexual act with another: (1) by force, or the threat of force, without the consent of the other[.]" CL section 3-301(d) defines the term "sexual act" to include "(ii) cunnilingus; (iii) fellatio; (iv) anal intercourse, including penetration, however slight, of the anus; or (v) an act . . . in which an object or part of an individual's body penetrates, however slightly, into another individual's genital opening or anus . . . for sexual arousal or gratification, or for the abuse of either party."

On the issue of what qualifies as sufficient force or coercion under this provision, appellate decisions have emphasized that "'threats of force need not be made in any particular manner'" and that "'conduct, rather than words, may convey the threat.'"

Brown v. State, 252 Md. App. 197, 219 (2021) (quoting *State v. Rusk*, 289 Md. 230, 246 (1981)). When the threats of force have been conveyed by conduct alone, this Court has looked for "circumstances created by the appellant that ha[ve] the potential to be very intimidating." *Id.* (citations omitted). Those circumstances include:

> (1) the status of the perpetrator as a figure of authority, (2) the physical appearance of the perpetrator, (3) the isolated or secluded nature of the location of the sexual assault, (4) the familiarity of the victim with such location, (5) the availability of assistance, (6) the opportunity to escape, (7) the time of day or night, (8) the nature of the sexual acts performed, and (9) the sobriety of the victim.

Id. (citing *Martin v. State*, 113 Md. App. 190, 249-50 (1996)).

These circumstances, "taken from the view of the victim, are considered by a court to determine whether a rational jury could find that the victim's subjective perception of a threat of force is 'reasonably grounded.'" *Id*. (quoting *Rusk v. State*, 289 Md. at 244). "Once sufficient evidence of both required elements of 'threat of force' is adduced from 'the myriad of circumstances that can arise,' the issue of 'threat of force' becomes a factual one, to be resolved by the trier of fact." *Id*. at 219-20 (quoting *Martin v. State*, 113 Md. App. at 247).

Consistent with these principles and precedent, the jury was instructed that:

> [t]he amount of force necessary depends on the circumstances. No particular amount of force is required.
>
> If [C.] submitted to vaginal intercourse, fellatio, cunnilingus, or unlawful penetration, and if you find that [C.'s] submission was induced by force, or by threats of force, that put her in reasonable fear of bodily harm, then [her] submission was without consent.
>
> [C.'s] fear was reasonable if you find that, under those circumstances, a reasonable woman would fear for her safety.

> Consent means actually agreeing to the vaginal intercourse, fellatio, cunnilingus, or unlawful penetration rather than merely submitting as a result of force, or threat of force.

See Maryland Criminal Pattern Jury Instruction 4:29.

Although C. admitted that Taylor did not verbally threaten her, the jury was entitled to infer from her account of his conduct that he used force or the threat of force. The evidence supports a finding that Taylor coerced C. by elevating his advances on her from verbal (asking whether she was wearing underwear) to physical (putting his hand down her pants) and then removing her to an isolated location (a car in the corner of the parking garage) in the early evening, where he began another physical assault that escalated into acts of sexual abuse that qualify as second-degree rape.

Specifically, C. testified that, after Taylor reached into her leggings to touch her vagina while they were walking away from the store, she "escaped" by continuing toward the parking garage in the hope of proceeding with the plan to pick up Taylor's sister from work. Once C. was in the car, however, Taylor pulled her leggings down and touched, licked, and digitally penetrated her vagina. He held her "firmly" by the wrist and directed her into the back seat, where he pulled off her leggings, positioned her legs in order to penetrate her and repositioned her to coerce her to engage in fellatio. When she told him to stop, he did not. When C. objected that he was hurting her during intercourse, Taylor told her to accept the pain. As a result of the assault, C. suffered vaginal injury that required ice and continued to hurt for a week.

Another significant factor is "the status of the perpetrator as a figure of authority[.]" *Brown v. State*, 252 Md. App. at 219. From the outset of this trial, the State

argued that Taylor "used" his "[a]uthority, trust, and power" over C. "as a weapon when he raped" her. Fifteen-year-old C. was less than half Taylor's age. Because C. looked up to him, C.'s mother had asked Taylor to "speak to" C. during a time when her relationship with her mother was strained. C. remained in Taylor's care and under his supervision throughout the day. Without a phone, C. depended on Taylor to get her home safely.

Moreover, the jury was entitled to consider "the isolated or secluded nature of the location of the sexual assault[.]" *Brown v. State*, 252 Md. App. at 219. After beginning by groping C. in the empty basement hallway of the apartment building, Taylor took things to another level once they were alone in the car, which was parked in a back corner of the underground garage, between a wall and another parked vehicle. In these circumstances, the jury could find that C., who did not have a phone and was depending on Taylor to give her a ride home, reasonably concluded that she had no viable means of escape.

"Evidence of physical resistance by the victim is not required to prove" a sexual assault. CL § 3-319.1(a). Although Taylor's defense suggested that C. had opportunities to turn around before getting into the car, or to seek assistance from the people in other vehicles, C. variously described her mental state during the escalating stages of the assault as "in shock," "zoned out," and anxious. On this record, it was up to the jury to decide whether, in those circumstances, C., a 15 year-old who depended on Taylor to get home, believed that neither flight nor assistance was available to her. *See Brown v. State*, 252 Md. App. at 219-20.

We decline Taylor's invitation to "'second-guess the jury's determination where there are competing rational inferences available'" that Taylor used force or the threat of force to sexually assault C. *See State v. Krikstan*, 483 Md. 43, 64 (2023) (quoting *Smith v. State*, 415 Md. 174, 183 (2010)). Because the evidence, viewed in the light most favorable to the State, was sufficient for the jury to conclude that appellant used force or threat of force to sexually assault C., we affirm Taylor's convictions.

JUDGMENTS OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.