

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0194

September Term, 2015

EUGENE L. DRUMWRIGHT

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 5, 2017

*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.

Convicted, by a jury, in the Circuit Court for Baltimore City, of second degree assault, Eugene L. Drumwright, appellant, presents one question for our review: Was the evidence sufficient to sustain his conviction? Specifically, Drumwright contends that there was insufficient evidence of his criminal agency. We affirm.

“The standard for our review of the sufficiency of the evidence is ‘whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’” *Neal v. State*, 191 Md. App. 297, 314, *cert. denied*, 415 Md. 42 (2010) (citation omitted). “The test is ‘not whether the evidence *should have or probably would have* persuaded the majority of the 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). In applying the test, “[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, supra*, 191 Md. App. at 314 (citation omitted). We “consider circumstantial evidence as well as direct evidence” and note that “circumstantial evidence alone is ‘sufficient to support a conviction, provided the circumstances support rational inferences from which the trier of fact could be convinced beyond a reasonable doubt of the guilt of the accused.’” *Painter, supra*, 157 Md. App. at 11 (citation omitted).

Although the victim did not identify his assailant, the State introduced evidence at trial that the victim struggled with the assailant during the assault, wrestled the assailant into a face-down position on the ground, and hit him on the head five or six times. In the street where the assault occurred, near the victim’s broken glasses, a set of blood-stained

gold “fronts,” which are decorative tooth covers that Drumwright wore daily, was found. The “fronts,” which did not belong to the victim, tested positive for the DNA of both the victim and Drumwright. After police told Drumwright that his “fronts” were found in the area of the city where the assault occurred, and immediately after he was charged with the assault, Drumwright called his girlfriend and told her to tell police, as he had, that his “fronts” were taken from him in a robbery. Viewed in the light most favorable to the prosecution, the evidence was sufficient to have persuaded a jury, beyond a reasonable doubt, that it was Drumwright who assaulted the victim.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**