Circuit Court for Prince George's County
Case No. CJ-16-3963

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 345

September Term, 2017

ANDRE RICARDO HARRIS

v.

STATE OF MARYLAND

Woodward, C.J.,
Friedman,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 11, 2018

*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.

Following a bench trial in the Circuit Court for Prince George's County, Andre Ricardo Harris, appellant, was convicted of second-degree assault. Harris presents two issues on appeal: (1) whether there was sufficient evidence to sustain his conviction, and (2) whether the trial court abused its discretion in sustaining the State's objection that his testimony was non-responsive. For the reasons that follow, we affirm.

Harris first contends that there was insufficient evidence to sustain his conviction. In analyzing the sufficiency of the evidence admitted at a bench trial to sustain a defendant's convictions, we "review the case on both the law and the evidence," but will not "set aside the judgement . . . on the evidence unless clearly erroneous." Maryland Rule 8-131(c). "We review 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." *White v. State*, 217 Md. App. 709, 713 (2014) (internal quotation marks and citation omitted).

Harris asserts that the evidence was insufficient because: (1) the victim's testimony raised the possibility that he acted in self-defense; (2) the photographs of the victim's injury were "not the best quality"; and (3) the police did not request a statement of charges against him until over two months after the incident. However, these claims are essentially an invitation for this Court to reweigh the evidence, which we will not do. That is because "it is the [trier of fact's] task, not the [reviewing] court's, to measure the weight of the evidence and to judge the credibility of the witnesses." *State v. Manion*, 442 Md. 419, 431 (2015) (citation omitted). And in performing that task, the fact-finder "can accept all, some, or none of the testimony of a particular witness." *Correll v. State*, 215 Md. App. 483, 502

(2013).

Viewed in a light most favorable to the State, the evidence demonstrated that Harris forced his way into the victim's apartment and grabbed her by the neck. That evidence, if believed, was legally sufficient to support a finding of each element of each crime charged, beyond a reasonable doubt. *See Archer v. State*, 383 Md. 329, 372 (2004) ("It is the well-establish rule in Maryland that the testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction."). Consequently, the State presented sufficient evidence to sustain Harris's conviction.

Harris also contends that the trial court erred in sustaining the State's objection that his testimony was non-responsive. During direct, defense counsel asked Harris: "Now let's skip ahead to March 19th. Did you have occasion to go to [the victim's] residence in the high rise in Greenbelt?" Harris responded:

> Well, she called me and [the victim's son] wanted to see me. I inviter [sic] her over to my and let her – like I saw him there with my mother, and she asked could we go get something to eat together, and we left. We left together to get food, and then she invited me, said why don't we eat at the apartment. So I went once and had a meal with [the victim's son]. And we – I played with him for a couple of hours. And then I [am] still real friends with [the victim], and know she's going through a lot. I stopped in the back with her and talked with her for hours. I fell asleep over that night in the chair, woke up early that morning. So she reached out to me in the – early that morning. The 19th, I woke up at 7:00 in the morning and asked her to drop me back off, and she took her a while, eventually [she] dropped me back off. And that's – I left my bag of clothes and shoes there so – as I finished throughout the day, finished the work, and she asked me to come back over. I drove back over.

At this point, the State objected on the grounds that Harris's answer was getting "beyond the scope of the question." The trial court sustained the objection and directed defense counsel to "Ask the next question."

Based on a review of the record, we are persuaded that the trial court did not abuse its discretion in determining that Harris's answer had become non-responsive. *See generally* Maryland Rule 5-611(a) (stating that the trial court "shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence"). Moreover, even if we assume that Harris's testimony was responsive, any error in sustaining the State's objection was harmless beyond a reasonable doubt because the court did not prevent defense counsel from continuing to engage in his current line of inquiry with Harris. In short, defense counsel was free to ask additional questions if he believed that Harris needed to provide additional testimony regarding his reasons for going to the victim's apartment on the day of the incident.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.