Circuit Court for Anne Arundel County
Case No. 02-K-001188

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 349

September Term, 2018

TIMOTHY LEE STYLES

v.

STATE OF MARYLAND

Graeff,
Beachley,
Alpert, Paul E.
(Senior Judge, Specially Assigned,)

JJ.

Opinion by Alpert, J.

Filed: August 7, 2019

In a bench trial, the Circuit Court for Anne Arundel County convicted Timothy Lee Styles, appellant, of reckless endangerment, second degree assault on a police officer, and second degree assault. Appellant, who was sentenced to a total of fifteen years, with all but four suspended, and fined $5,000, with all but $1,000 suspended, presents the following questions for appellate review:

1. Did the absence of a complete waiver of the right to a jury trial deprive [appellant] of his right to trial by jury under the Federal and State Constitution?

2. Did the absence of a complete waiver of the right to a jury trial violate Maryland Rule 4-246?

3. Did the trial judge err by rendering an inconsistent verdict?

4. Is the evidence legally sufficient to sustain Appellant's convictions of assault in counts 12 and 13?

For reasons that follow, we conclude there are no grounds for the appellate relief sought by appellant.

BACKGROUND

This appeal from appellant's 2012 convictions was authorized by the Circuit Court for Anne Arundel County as postconviction relief. The trial record establishes that on the evening of May 26, 2012, Anne Arundel County police responded to the Glen Burnie residence of Ms. Tikira Watkins and appellant after a 911 call reporting a stabbing. When Corporal Brian Daughters arrived, appellant was "throwing punches" at people gathered in the courtyard of the apartment complex. After appellant refused his orders to stop, the officer "deployed [his] taser" and arrested appellant. Both Ms. Watkins and her eighteen-year-old son, Robert Chesson, had been stabbed by Styles.

Ms. Watkins testified that on that date, she was "out and about" with appellant and their four-year-old son. Appellant had been drinking all day. An argument broke out between the couple regarding Mr. Chesson and his role in their household. "[A]fter the little argument," Ms. Watkins took a bath. But there were more "words" later, causing their son to cry.

When Ms. Watkins took the child into their bedroom and locked the door, appellant "tried to kick the door down." Ms. Watkins called Mr. Chesson, asking him to "come home" because appellant was "acting stupid again."

When Mr. Chesson opened the door to the apartment, appellant "punched" him in the face. In the ensuing fight, Chesson's friends, who had accompanied him, came to his aid. Appellant "started swinging on everybody." When she heard the "scuffle," Ms. Watkins came out of her bedroom, finding Mr. Chesson "pinned up to the couch" by appellant, while Mr. Chesson's friends were "breaking up the fight." Ms. Watkins was "holding . . . back" her four-year-old, who was "crying and upset[.]"

The fight "was over in minutes," and "everybody just like scattered." Although "everything was over with," appellant "want[ed] to still fight." Ms. Watkins recounted that "everything happened so fast[.]" She saw appellant "run for the knife" in the kitchen, then come "charging after" her son with a knife designed to cut steak or chop vegetables. Ms. Watkins "ran in the middle of it" to Mr. Chesson. Appellant "stabbed [her] twice[,]" in the abdomen and shoulder. As Mr. Chesson was fleeing from the apartment with his mother and friends, appellant stabbed him once in the back.

Appellant followed them outside with the knife. According to Jonathan "Omar" Adams, one of Mr. Chesson's companions, appellant then moved his car from one parking lot to another. When appellant returned to the building, where Mr. Adams was waiting for police with Ms. Watkins, Mr. Chesson, and his friends, appellant "swung on [Omar], and hit [him] in the face."

Anne Arundel County Police Officers Rohe and Chamberlin responded to the 911 call about a stabbing, finding "three or four men . . . fighting" outside the apartment. Upon commands to stop fighting, all the men except appellant did so. After appellant continued to "throw[] punches," Corporal Daughters used his Taser to subdue appellant. Police recovered a knife blade and broken handle in the apartment and "two additional" knives outside the apartment.

Ms. Watkins was transported to Shock Trauma, where she had surgery. Mr. Chesson and appellant were transported to Baltimore Washington Medical Center for treatment. Officer Chamberlin observed appellant screaming and using profanities in his room, alone, at the hospital. When appellant was instructed to stop and restrained back onto the bed by the officer, appellant responded that he was going to "rip out [his] nuts" and kicked the officer in the face with his foot.

Appellant testified in his defense, denying Ms. Watkins's account of him arguing with her and kicking the door. He claimed, instead, that Mr. Chesson ran in his front door, accused him of hitting his mother, threw punches at appellant, and then "jump[ed]" him with his friends. As Mr. Chesson, his friend Omar, and another boy were "punching" him,

appellant said that Omar had a folding switchblade and another boy "had a knife or something[.]" Appellant got "a steak knife," but it was not the one admitted into evidence. He "hit Rob . . . in the back of his shoulder, while he was throwing punches." As he "turn[ed] around," he did not know Ms. Watkins was in the room but "hit [her] in her stomach and in her chest area[,]" then ran for the door. He heard Omar say, "You got a gun? You got the gun?" and after he was outside, he "heard two gunshots going off."[1] "[T]hat's when he ran and hopped in [his] BMW, and drove around to the back side of the other park side of the parking lot." He returned to the courtyard "to question . . . why they jumped" him.

We shall add material from the record in our discussion of the issues raised by appellant.

[1] One of Mr. Chesson's companions was separately indicted "for gun charges related to this incident."

DISCUSSION

Issues I and II: Waiver of the Right to a Jury Trial

In his first two assignments of error, appellant challenges the validity of his waiver of a jury trial. He contends that he was deprived of his constitutional right to a jury trial because "[s]o far as counsel on appeal can ascertain there was not a complete waiver of th[at] right[.]" In addition, his waiver violated the mandatory requirements in Maryland Rule 4-246 providing for an "examination of the defendant on the record in open court" and an announcement on the record that the waiver was knowing and voluntary.

The State responds that appellant "has not preserved his claim that the trial court failed to comply with Rule 4-246" and "[t]he record reflects that [appellant's] jury trial waiver was an intentional relinquishment of a known right" in accordance with constitutional standards.

After reviewing the law governing jury trial waiver, we address these contentions in turn.

Standards Governing Waiver of Jury Trial

The Sixth Amendment to the United States Constitution, as well as Articles 5, 21, and 24 of the Maryland Declaration of Rights, protect the right to trial by jury. *See Boulden v. State*, 414 Md. 284, 294 (2010). This right may be waived in favor of a bench trial. *See id*. "To satisfy constitutional due process standards, the waiver of the right to a jury trial must constitute 'an intentional relinquishment or abandonment of a known right or privilege.'" *Smith v. State*, 375 Md. 365, 377 (2003) (quotation marks and citation

omitted); *see Johnson v. Zerbst*, 304 U.S. 458, 464, 58 S. Ct. 1019, 1019 (1938) ("A waiver is ordinarily an intentional relinquishment or abandonment of a known right or privilege"). "The constitutional imperative is this, no less and no more: the waiver must be knowing, intelligent, and voluntary." *United States v. Boynes*, 515 F.2d 285, 286 (4th Cir. 2008).

Maryland Rule 4-246 implements this constitutional standard, establishing the procedure for accepting a jury trial waiver:

> A defendant may waive the right to a jury trial at any time before the commencement of trial. The court may not accept the waiver until, after an examination of the defendant on the record in open court conducted by the court, the State's Attorney, the attorney for the defendant, or any combination thereof, the court determines and announces on the record that the waiver is made knowingly and voluntarily.

Md. Rule 4-246(b).

Failure to Preserve Rule 4-246(b) Challenge

Appellant contends that because he was not examined on the record in open court and the trial judge failed to "determine and announce on the record that the waiver . . . was knowing and voluntary," "the absence of a proper jury trial waiver mandates reversal under Rule 4-246(b)." The State counters that appellant's "complaint of non-compliance with Rule 4-246 is not preserved because [he] did not make any corresponding objection below" and proceeded to trial before a judge who acquitted him on all but three charges.

We agree that appellant, "having secured acquittals on the most serious charges he was facing," without lodging any complaint about the jury trial waiver procedures, cannot obtain appellate relief under Rule 4-246. In *Nalls v. State*, 437 Md. 674, 693 (2014), the

Court of Appeals held that a defendant must object at the time the waiver is accepted, to preserve the issue of a trial judge's compliance with Rule 4-246(b).

The record shows that neither appellant, nor defense counsel raised any concern regarding the jury trial waiver procedure. Appellant concedes this, but argues that because his trial occurred in 2012, before *Nalls* was decided, "there was no requirement that his trial attorney object on the record to the jury trial waiver procedure." We disagree.

The decision in *Nalls* did not emanate from a new rule or requirement that counsel could not have anticipated. Indeed, that issue was expressly addressed. The majority interpreted the existing rule to clarify that contemporaneous objections have always been necessary. *See id.* The Court explained that, to the extent that its previous decision in *Valonis v. State*, 431 Md. 551 (2013), "could be read to hold that a trial judge's alleged noncompliance with Rule 4-246(b) is reviewable by appellate courts despite the failure to object at trial, that interpretation is disavowed." *Id*. at 693-94. *See also id.* at 699 (Watts, J., concurring and dissenting) ("with the instant opinion, the Court eliminates any doubt and conclusively determines that a contemporaneous objection is required to preserve for appellate review the waiver of the right to a jury trial pursuant to Rule 4-246(b)"). In *Spence v. State*, 444 Md. 1, 14-15 (2014), the Court expressly rejected an argument that "it was not clear, prior to *Nalls*, that a contemporaneous objection was required." The Court of Appeals explained that it "did not create in *Nalls* a 'change in procedure,' as Petitioner contends; on the contrary, we reinforced in that case what long has been the preservation

rule, set forth in the plain language of Rule 8-131(a), which requires a contemporaneous objection." *Id.*

Moreover, appellant cannot complain that his attorney could not have known that a contemporaneous objection was necessary to preserve an appellate assignment of error under Rule 4-246(b). As the State points out, the decision in *Nalls* is consistent with precedent of this Court that was issued four months before appellant waived his right to a jury trial on December 13, 2012. In *Ray v. State*, 206 Md. App. 309, 350 (2012), *aff'd on other grounds*, 435 Md. 1 (2013), we filed our opinion on July 2, 2012, stating that because Ray "did not object in the circuit court with regard to any issue as to the waiver of the right to a jury trial[,]" he "forfeited the right to appellate review of any issue as to the circuit court's . . . compliance with Maryland Rule 4-246(b)."

Indeed, the record supports a fair inference that the failure to object to the procedure by which appellant waived his right to a jury trial resulted from a strategic and informed decision to elect a bench trial, rather than from appellant's failure to understand what he was relinquishing. As the Court of Appeals has long recognized, postconviction provides "the time and place for challenging the knowingness of such election or waiver when the point was not raised at the original trial." *State v. Zimmerman*, 261 Md. 11, 24 (1971). Yet appellant points to nothing in his postconviction petition, or the ensuing proceedings that resulted in this belated appeal, to call into question his trial counsel's statement to the trial court that counsel explained to appellant what he was relinquishing.

In these circumstances, we conclude that appellant did not preserve his Rule 4-246 complaint and decline appellant's request for plain error relief.

Constitutional Challenge

We separately address appellant's constitutional complaint because, "[a]lthough Rule 4-246 provides the procedures for waiver of the right to trial by jury, the ultimate inquiry regarding the validity of the waiver is whether 'there has been an intentional relinquishment or abandonment of a known right or privilege.'" *Boulden*, 414 Md. at 296.

Appellant argues that he "was not fully advised on the record that he had a right to a jury trial, and the trial judge never engaged in the required *Johnson v. Zerbst* waiver inquiry to ensure that he personally waived his constitutional right." The State counters that "the record shows that [appellant] had 'some knowledge' of the right to a jury trial," so that "[t]he trial court could reasonably be satisfied that [appellant's] decision to elect a bench trial in lieu of a jury trial was an intentional relinquishment of a known right[.]" We agree.

Because "[t]here is no fixed dialogue that must take place with a defendant" before he waives his right to a jury trial, *id*. at 294, "'[w]hether the waiver is valid depends upon the facts and totality of the circumstances of each case.'" *Id*. at 295 (citation omitted). The standard for establishing a "knowing" waiver in the presence of counsel is that "the defendant has some knowledge of the jury trial right before being allowed to waive it." *See State v. Bell*, 351 Md. 709, 725 (1998). Voluntariness requires a finding that "the waiver is not a product of duress or coercion." *Id*. The court may make a voluntariness

determination "based on the defendant's demeanor, without asking any specific questions about voluntariness." *Aguilera v. State*, 193 Md. App. 426, 442 (2010); *see Abeokuto v. State*, 391 Md. 289, 320-21 (2006).

We are satisfied that the record establishes that appellant's waiver of a jury trial resulted from a knowing and voluntary relinquishment of that right. When the case was called, the following occurred:

> [DEFENSE COUNSEL #1]: Good morning, Your Honor. [Defense counsel], on behalf of the Defendant, Timothy Styles. Also present for Mr. Styles is [defense counsel #2]. . . .
>
> And, Your Honor, we're ready for trial. And Mr. Styles is waiving his right to a jury trial, electing to be tried by this Court. *And it's been explained to him, and we've discussed it that a jury would consist of 12 citizens, who would have to agree unanimously on his guilt*; but he elects to waive that right, to be tried by the Court.
>
> THE COURT: And the plea is not guilty, as to all charges?
>
> [DEFENSE COUNSEL #1]: Yes, Your Honor, the plea is not guilty, as to all charges.

(Emphasis added.)

Appellant has never disputed what counsel told the court. Nor has he ever claimed that he did not understand what counsel explained to him. Most importantly, he does not deny that he decided to forego a jury trial. Indeed, appellant had good reason to proceed before a judge rather than a jury. As the State point outs, "any experienced lawyer worth his salt in the trial of criminal matters knows that there are many, many instances where trial before the court is in the best interest of the accused." *Zimmerman*, 261 Md. at 19.

This was one. Appellant was asserting a self-defense claim as justification for stabbing Ms. Watkins twice, in the abdomen and neck, as she intervened to protect her son, and stabbing Mr. Chesson in the back as he was fleeing. As elicited and argued by defense counsel, that defense theory succeeded in acquittals by the trial judge on eight of the most serious charges, including attempted first- and second-degree murder.

Based on defense counsel's announcement of appellant's decision to elect a bench trial, appellant's failure to indicate any reservation about proceeding without a jury, and appellant's demeanor during the exchange regarding that waiver, the court had a sufficient basis to conclude that appellant's waiver was both knowing and voluntary. The fact that defense counsel, rather than appellant, announced his decision to waive his right to a jury trial does not alter our conclusion. Although that decision must be made by appellant, not by counsel, there is no prohibition against counsel stating to the court what appellant's decision is, along with assurances that it was made after counsel explained his right to have twelve unanimous jurors decide his guilt on the charges. *See Biddle v. State*, 40 Md. App. 399, 400-01 (1978).

Nothing in this record suggests that appellant did not understand and agree to the waiver. Although the trial court made no express finding that appellant's waiver and election of a bench trial was knowing and voluntary, as provided in Rule 4-246(b), that omission was not of constitutional dimensions. For the reasons we have explained, defense counsel's failure to request such a finding or to object to the absence of one, precludes

appellate relief. Based on this record, appellant is not entitled to appellate relief from his jury trial waiver.

III. Verdict Consistency

Appellant next contends that the trial court erred in rendering inconsistent verdicts, by acquitting him on self-defense grounds for assault-related charges against Mr. Chesson, but convicting him of recklessly endangering Ms. Watkins during the same altercation. The State responds that "any apparent inconsistency was explained on the record by the trial court, and the record demonstrates that there was no unfairness in the verdicts." We agree with the State's view of the verdicts.

. *See id*. at 470. *See State v. Williams*, 397 Md. 189-90 (2007). Yet verdicts rendere"Verdicts where a defendant is convicted of one charge, but acquitted of another charge that is an essential element of the first charge, are inconsistent as a matter of law." *McNeal v. State*, 426 Md. 455, 458 (2012). "Factually inconsistent verdicts are those where the charges have common facts but distinct legal elements[,]" and a defendant is acquitted of one charge but convicted of the other. *Id*. In a bench trial, inconsistent verdicts of guilty and not guilty are not permitted d by a judge are not inconsistent when there is "a sufficient explanation on the record" resolving the apparent inconsistency. *See McNeal*, 426 Md. at 470*; Williams*, 397 Md. at 190.

In this case, appellant was charged with multiple offenses arising from the altercation in which Ms. Watkins and Mr. Chesson were stabbed. In reviewing the evidence, the trial court, sitting as fact finder, pointed out that "everybody's version" of

what happened "is somewhat different." According to the State, the evidence established that appellant, who had been drinking all day, initiated a verbal argument with Ms. Watkins, who asked Mr. Chesson to come to her aid. When Chesson arrived, appellant assaulted him as he walked in the door, then stabbed him as he walked out the door.

In contrast, appellant testified in his defense that Mr. Chesson, after falsely accusing appellant of hitting his mother, initiated the attack and recruited his friends, one of whom had a gun. The trial court described appellant's account of the ensuing altercation as follows:

> [Appellant] indicates that he, in fearing for his safety in his own home, from people who came in and telling me he hit his mother and he didn't what they were talking about, that he grabbed a knife, not the knife that the State had introduced, but a knife he described as a steak knife, and as he was on the ground, he got up and he essentially was flailing and swinging around in an attempt to protect himself.
>
> He knew that he had a four-year-old son in that apartment and he also knew that Ms. Watkins was in the apartment and, yet, he was flailing this knife around and it apparently is at that point that Ms. Watkins was hit twice, once in the upper chest and once in the abdomen that led to the injuries that took her to Shock Trauma and what turned out to be a serious injury for her.
>
> Unfortunately, there is a dispute about what happened to Robert [Chesson]. Robert says that he was stabbed in the back as he was trying to get out. Yet, Ms. Watkins said something to the effect that [appellant] must have gotten Robert first in the incident before she was actually, so that suggest that perhaps the stabbing of Robert may have occurred during the flailing incident.

Announcing its findings and verdicts, the trial court stated that it was not persuaded beyond a reasonable doubt that appellant "intended to kill either Ms. Watkins or Mr.

Chesson[.]" Based on the lack of homicidal intent, the court acquitted appellant on charges of attempted first- and second-degree murder relating to both victims.

The court then determined that it could not find beyond a reasonable doubt that appellant "was not exercising his right to defend himself against" Mr. Chesson. For that reason, the court acquitted appellant of first- and second-degree assault of Mr. Chesson.

Likewise, with respect to Ms. Watkins, the court also acquitted appellant of first- and second-degree assault, based on a finding that appellant did not intend to harm her. On the reckless endangerment count relating to Ms. Watkins, however, the court concluded it "is a little bit different," explaining:

> I think the evidence established beyond a reasonable doubt that when the Defendant picked up the knife and while he was defending himself, as he had a right . . . to do, but I don't think he has a right to be flailing around to the extent that there were other people there that could have been hurt, and, in fact, I think that's exactly what happened in this case, that Ms. Watkins was injured in the flailing and that's consistent with the two separate injuries. I don't believe that Mr. Styles actually stood up and went to her and attempted to stab her. That just is not established by the evidence. It makes far more sense, and I do believe that Mr. Styles, in fact, was intoxicated and that he was very agitated. He was attempting to defense [sic] himself and again, in the course of this, he acted recklessly to the extent that he put others in danger, including Ms. Watkins. There's no evidence that Ms. Watkins was involved in attempting to harm Mr. Styles at that point in time. If anything, she came out to try to protect her son.
>
> The verdict would be guilty as to reckless endangerment.

In contrast, as to Mr. Chesson, the court, applying its self-defense finding, acquitted him of reckless endangerment:

> As to reckless endangerment as to Mr. Chesson, Mr. Chesson was, at least, arguably involved in the fray that was happening, so I don't believe

> that [appellant] is guilty of Count X, reckless endangerment as to Mr. Chesson, nor do I believe that under the facts of this case, it had been proven that he didn't have a right to possess a weapon to defend himself and the charge of Count XI, carrying a weapon openly with intent to injure, I don't believe he picked that weapon up to hurt anybody. I think he picked that weapon up to hurt anybody. I think he picked it up to defend himself.
>
> The verdict is not guilty as to [Count] XI [reckless endangerment].

We conclude that the trial court's rationale for its guilty verdict on the reckless endangerment charge involving Ms. Watkins adequately explained why that conviction is not inconsistent with the acquittals on the assault and reckless endangerment charges involving Mr. Chesson. In our view, there is nothing factually or legally inconsistent between the trial court's conclusion appellant acted in self-defense toward Mr. Chesson, with whom he had been brawling, but did not act in self-defense when he swung a knife wildly at Ms. Watkins, "who never posed any threat to him[.]"

In closing argument, defense counsel, after characterizing Mr. Chesson as unarmed but "not so innocent," acknowledged that Ms. Watkins was an unarmed "innocent bystander." Consistent with that theory, the trial court credited the evidence that appellant was justified in defending himself against Mr. Chesson but not entitled to continue brandishing the knife against Ms. Watkins. The trial court found that appellant "was intoxicated and very agitated," that he knew Ms. Watkins and their four-year-old child were in the apartment, and that "he was flailing this knife around" so wildly that, without intentionally targeting her, he stabbed Ms. Watkins twice.

This distinction between appellant's self-defense actions toward Mr. Chesson and his reckless actions toward Ms. Watkins is comparable to the situation in *Ruffin v. State*, 10 Md. App. 102, 106 (1970). In that case, the defendant was convicted of shooting an thirteen-year-old bystander. We affirmed a conviction for criminal negligence, defined as "wanton or reckless disregard for human life," based on evidence that the defendant, while acting in self-defense against approaching would-be assailants, fired a revolver in the direction of an apartment building, in order to warn them off, even though "he had cause to believe that third parties were present" in that building:

> Appellant was found not guilty of assault with intent to murder but guilty of common law assault upon Hattie Louise Johnson, an innocent bystander. While we are not called upon to decide the question, we are of the opinion that the lower court was correct in finding the appellant not guilty of assault with intent to murder. It is apparent from the evidence that there was no specific intent to inflict great bodily harm upon either Shorty or his companion, in that the firing of the revolver was directed some 10 to 12 feet to the right of them as they approached the appellant. The shots were fired as a warning not to come closer, after which the appellant fled.
>
> The lower court apparently based its finding of not guilty of assault with intent to murder upon a finding that appellant fired the shots in an effort to deter Shorty and his friend from attacking him. However, the lower court further found that . . . when he fired in a direction where other people were standing, he acted with a reckless disregard for the rights of others and was guilty of an assault upon an innocent bystander who was struck by one of the bullets.
>
> *We are of the opinion that even though appellant purportedly was acting in self-defense, his action in firing the weapon in a direction of the apartment building, where he had cause to believe that third parties were present, was so grossly negligent as to constitute criminal negligence. Criminal negligence is defined as 'a wanton or reckless disregard for human life*, a degree of carelessness amounting to a culpable disregard of the rights and safety of others[.]

Id. at 105-06 (emphasis added).

Here, as in *Ruffin*, the trial court found that appellant had a right to act in self-defense against Mr. Chesson, but that even if the manner in which he did so was reasonable as to Mr. Chesson, it was reckless as to Ms. Watkins, an innocent but known bystander injured by appellant's actions. After finding appellant's actions toward Mr. Chesson reasonable under the circumstances, the court concluded that appellant's flailing was reckless as to Ms. Watkins, who appellant knew was present. The court explained that even though appellant "knew that Ms. Watkins was in the apartment, . . . yet, he was flailing this knife around and it apparently is at that point that Ms. Watkins was hit twice." In his "intoxicated" and "agitated" state, appellant put Ms. Watkins, who was "not involved in attempting to harm [appellant] at that point," in danger by swinging the steak knife. Indeed, even appellant's defense counsel acknowledged that, given the lack of evidence that either Mr. Chesson or Ms. Watkins were armed, appellant knew she was "an innocent bystander." Based on this record, the verdicts are not inconsistent, either factually or legally.

We are not persuaded otherwise by *Jones v. State*, 357 Md. 408, 430 (2000), cited by appellant for the proposition that self-defense negates an essential element of reckless endangerment. Appellant is mistaken in his view that acquittals on self-defense grounds for the assault-related charges involving Mr. Chesson mean that the trial court was "necessarily saying, as a 'matter of logic,' that it would not conclude that [appellant] wasn't acting reasonably" toward Ms. Watkins. As we have explained, the court's on-the-record determination resolved any apparent inconsistency in the verdicts, by explaining that

appellant's actions toward Ms. Watkins were undertaken in reckless agitation rather than self-defense.

IV. Sufficiency Challenge

In his final assignment of error, appellant argues that the evidence was insufficient to support his two convictions for second-degree assault against Officer Chamberlain, in violation of Md. Code, § 3-203(c)(2) of the Criminal Law Article (assault of law enforcement officer), and § 3-203(a) (second-degree assault). In appellant's view, the officer's testimony "was unworthy of belief" because it was not corroborated by any of the witnesses to the event. We find no merit in that characterization of the testimony specifically, or in appellant's sufficiency challenge generally.

Officer Chamberlain testified that appellant assaulted him at the hospital where appellant was being treated. As the officer "walked by" the room where appellant was awaiting treatment, appellant "was screaming" and "using profanities." Officer Chamberlain told appellant to stop, prompting a physical altercation that the officer described as follows:

> [H]e stood at the edge of the bed with . . . his one hand handcuffed onto the bed. At that point, I restrained him back onto the bed. I cuffed his other hand to the side of the hospital bed, so that both hands were cuffed; the left hand and the right hand.
>
> At that point, he said he was going to rip – let me go to my report – he said, "I'm going to rip your nuts." And he tried to grab at my crotch with his hand.
>
> He then had his face right directly pointed towards my face. So, I pushed – with my hand, I pushed his head away from mine to avoid being

> spat on, or bit. And as I back away from him, as he was restrained, he kicked me with his foot in the side of my jaw.

In a sufficiency challenge, the sole question for this Court is "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." *Jackson v. Virginia*, 443 U.S. 307, 318-19, 99 S. Ct. 2781, 2789 (1979)). *See State v. Albrecht*, 336 Md. 547, 479 (1994). "'[W]hen evaluating the sufficiency of the evidence in a non-jury trial, the judgment of the trial court will not be set aside on the evidence unless clearly erroneous [.]'" *State v. Manion*, 442 Md. 419, 431 (2015) (quoting *State v. Raines*, 326 Md. 582, 589 (1992)); Md. Rule 8-131(c).

Appellant was convicted of second-degree assault and assault of a law enforcement officer. Although the General Assembly has codified the common law crimes of assault and battery, those offenses retain their judicially determined meanings. *See* Md. Code, § 3-201(b) of the Criminal Law Article ("Crim.") ("'assault' means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings"); *see Cruz v. State*, 407 Md. 202, 209 n.3 (2009); *Snyder v. State*, 210 Md. App. 370, 381 (2013). Under Crim. § 3-203(a), prohibiting "assault," the modality of assault at issue here is battery, a general intent crime requiring proof of "a touching that is either harmful, unlawful, or offensive." *Quansah v. State*, 207 Md. App. 636, 646-47 (2012). *See Elias v. State*, 339 Md. 169, 183 (1995). In addition, subsection (c) prohibits assaults on law enforcement officers, upon proof of intentional physical injury to a person known to be a

law enforcement officer engaged in the performance of the officer's official duties. Crim. § 3-203(c).

The trial court found appellant "guilty of second degree assault on Officer Chamberlain. No question about that. There's really no dispute about that. He kicked him in the jaw. No justification of that." Appellant challenges those convictions, arguing that the officer was not credible because his testimony was not corroborated by any of the witnesses present at the hospital. This argument ignores that the task of deciding a witness's credibility, weighing the evidence, and resolving conflicts in the evidence belongs to the trial court, as the fact-finder, not to this appellate court. *See State v. Stanley*, 351 Md. 733, 750 (1998); *Binnie v. State*, 321 Md. 572, 580 (1991). Moreover, the testimony of a single eyewitness "needs no corroboration" and, if believed, is "legally sufficient to convict." *Branch v. State*, 305 Md. 177, 183 (1986) (quotation marks and citations omitted); *Marlin v. State*, 192 Md. App. 134, 153 (2010).

Here, the trial court expressly found that the testimony of Officer Chamberlain was credible and sufficient to convict appellant of violating both Crim. § 3-203(a) and § 3-203(c). Because we agree that evidence established all the elements of battery, we shall affirm those convictions.

JUDGMENTS OF CONVICTION AFFIRMED. COSTS TO BE PAID BY APPELLANT.