Circuit Court for Carroll County
Case No. C-06-CR-21-000525

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 443

September Term, 2022

ANTHONY DEJESUS

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: February 6, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*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 jury trial in the Circuit Court for Carroll County, Anthony Dejesus, appellant, was convicted of driving on a suspended license and failure to display a license. His sole contention on appeal is that there was insufficient evidence to sustain his conviction for driving on a suspended license because, he claims, the State failed to prove that he knew his license was suspended. However, when moving for a judgment of acquittal in the trial court, defense counsel did not raise this claim but rather submitted on the evidence. Consequently, the issue is not preserved for appellate review. *See Peters v. State*, 224 Md. App. 306, 354 (2015) ("[R]eview of a claim of insufficiency is available only for the reasons given by [the defendant] in his motion for judgment of acquittal." (quotation marks and citation omitted)).[1][2]

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[1] Although appellant does not specifically ask us to do so, we decline to exercise our discretion to engage in "plain error" review of this claim pursuant to Maryland Rule 8-131(a).

[2] Even if we were to reach the merits, we would reject appellant's claim. Viewed in a light most favorable to the State, the evidence at trial demonstrated that: (1) appellant had pleaded guilty to driving under the influence in March 2021 and "100 percent" knew his license would be suspsended as a result; (2) appellant confirmed his mailing address was 201 Bently Street in Taneytown and that he had been receiving mail at that address; (3) four days after his conviction a certified letter was sent to that address notifying him that the suspension went into effect on April 9, 2021; (4) there was no evidence that the certified letter had been retured to the Motor Vehicle Administration; and (5) appellant was stopped by the police in May 2021 and did not have a license in his possession. Based on this evidence, the jury could reasonably infer that appellant either knew or should have known that his license had been suspended. Although appellant testified that he never received the letter because his mother often checked the mail, that does not affect the sufficiency of the evidence because, in weighing the evidence, the jury "can accept all, some, or none of the testimony of a particular witness." (quotation marks and citation omitted). *Correll v. State*, 215 Md. App. 483, 502 (2013).

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