Circuit Court for Somerset County
Case No. C-19-CR-18-000001

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 988

September Term, 2018

GARRICK LEVIN WHARTON, JR.

v.

STATE OF MARYLAND

Nazarian,
Leahy,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 7, 2019

*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 Somerset County, Garrick Levin Wharton, Jr., appellant, was convicted of attempting to elude a police officer by fleeing on foot, reckless driving, changing lanes when unsafe, and other related traffic offenses. On appeal, Mr. Wharton contends that there was insufficient evidence to sustain his convictions for reckless driving and changing lanes when unsafe. Because the State presented sufficient evidence to sustain Mr. Wharton's convictions, we shall affirm.

In reviewing the sufficiency of the evidence, we ask "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." *Ross v. State*, 232 Md. App. 72, 81 (2017) (citation omitted). Furthermore, we "view[ ] not just the facts, but 'all rational inferences that arise from the evidence,' in the light most favorable to the" State. *Smith v. State*, 232 Md. App. 583, 594 (2017) (quoting *Abbott v. State*, 190 Md. App. 595, 616 (2010)). In this analysis, "[w]e 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.'" *Potts v. State*, 231 Md. App. 398, 415 (2016) (quoting *Harrison v. State*, 382 Md. 477, 487-88 (2004)).

Mr. Wharton first contends that there was insufficient evidence to sustain his conviction for changing lanes when unsafe because, he claims, there was "no evidence presented that at the time [he] changed lanes, any vehicles were in his proximity or any other conditions existed to make the lane changes unsafe." However, the jury could reasonably find that Mr. Wharton's lane changes were unsafe based on the testimony of the arresting officer that, while fleeing from police, Mr. Wharton "crossed over double

[yellow] lines into oncoming traffic" while operating his vehicle at speeds of over 100 miles per hour.

Mr. Wharton also asserts that there was insufficient evidence to sustain his conviction for reckless driving because, other than his speeding, there was no evidence that he drove is vehicle "[i]n a manner that indicate[d] a wanton or willful disregard for the safety of persons or property." Md. Code Ann., Transportation § 21-901.1(a). Again, we disagree. Even if we assume that the State was required to prove something more than speeding to establish the offense of reckless driving, it did so in this case. Viewed in a light most favorable to the State, the evidence demonstrated that Mr. Wharton: (1) crossed over double yellow lines and passed vehicles while driving over 100 miles per hour; (2) entered the city limits of Crisfield and drove 90 miles per hour in a 30 mile per hour zone; (3) drove into an apartment complex, after which he left the paved roadway and drove in the grass between apartment buildings; and (4) then jumped out of his car while it was still moving, causing it to strike another vehicle. If believed, that evidence was sufficient for the jury to find that Mr. Wharton acted with the requisite disregard for the safety of persons or property. Therefore, the evidence adduced by the State was sufficient to convict Mr. Wharton of reckless driving.

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