

Circuit Court for Prince George's County
Case No. CT181271B

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1200

September Term, 2019

TYLER JOSEPH SMITH

v.

STATE OF MARYLAND

Arthur,
Beachley,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 3, 2020

*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 Prince George’s County, Tyler Joseph Smith, appellant, was convicted of second-degree burglary, theft of property valued between \$100 and \$1,500, and malicious destruction of property. His sole contention on appeal is that the State presented insufficient evidence to sustain his convictions. For the reasons that follow, 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)).

At trial, the State presented evidence that two men broke into the victim’s locked shed and stole several items, including a generator, saw, pressure washer, and edger. The victim’s neighbor witnessed the burglary and identified Mr. Smith as one of the perpetrators, both in a photo array and at trial. In contending that there was insufficient evidence to sustain his conviction, Mr. Smith challenges the credibility of the neighbor’s identification testimony. However, it is “not a proper sufficiency argument to maintain that the [fact-finder] should have placed less weight on the testimony of certain witnesses

or should have disbelieved certain witnesses.” *Correll v. State*, 215 Md. App. 483, 502 (2013). Rather, any inconsistencies or weaknesses in the testimony of the State’s witnesses affects the weight of the evidence, and not its sufficiency. *Owens v. State*, 170 Md. App. 35, 103 (2006) (“[A] witness’s credibility goes to the weight of the evidence, not its sufficiency.”). If believed by the jury, the neighbor’s testimony was sufficient to establish Mr. Smith’s criminal agency beyond a reasonable doubt. *See Archer v. State*, 383 Md. 329, 372 (2004) (“It is the well-established rule in Maryland that the testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction.”). Consequently, the court did not err in denying his motion for judgment of acquittal.

**JUDGMENTS OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**