

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1283

September Term, 2024

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ERIC VACARRO HENSON

v.

STATE OF MARYLAND

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Nazarian,  
Arthur,  
Zarnoch, Robert A.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: July 18, 2025

\* This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a bench trial in the Circuit Court for Howard County, Eric Vacarro Henson, appellant, was convicted of first-degree assault, use of a firearm in a crime of violence, and transporting a handgun in a vehicle. His sole contention on appeal is that there was insufficient evidence to sustain his convictions because the State failed to prove that he “possessed and used a firearm.” 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) (quotation marks and 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) (citation omitted). 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) (citation omitted).

Viewed in a light most favorable to the State, the evidence at trial demonstrated that appellant pointed a “black handgun” at the victim when they were both stopped at a traffic light because she had accidentally cut off appellant while driving several minutes earlier. At trial, the victim described the handgun as “matte black” with a barrel that had a “larger circle on the top and a smaller circle on the bottom.” She further testified that she was “a hundred percent” certain that what she had observed was a gun. During a subsequent search of appellant’s residence, the police recovered an operable black handgun that was “similar to the description provided by the victim.” Appellant testified, on the other hand,

that he had reached out the window of his vehicle while holding his cell phone, and denied brandishing a gun at the victim.

Appellant acknowledges this evidence but challenges the victim’s credibility, asserting that she was “under a great deal of stress” because of the earlier traffic incident; that she only saw what he was holding “for a few seconds and from a good distance[;]” and that there were several differences between her initial description of the gun to the police and the gun that was recovered from his residence.<sup>1</sup> However, it is “not a proper sufficiency argument to maintain that the jurors 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). That is because “it is the [trier of fact’s] task, not the court’s, to measure the weight of the evidence and to judge the credibility of witnesses.” *State v. Manion*, 442 Md. 419, 431 (2015) (quotation marks and citation omitted).

In arguing otherwise, appellant relies primarily on *Beard v. State*, 47 Md. App. 410 (1980), wherein we held that a witness’s description of a weapon as a “big and brown,” “rusty,” and “rather big” gun was insufficient to prove that the gun used to kill the victim was a “handgun.” *Beard* is inapposite, however, as the victim in this case specifically testified that the gun was a “black handgun.” Moreover, the State introduced an operable black handgun into evidence that was recovered from appellant’s residence shortly after the incident.

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<sup>1</sup> For example, the victim told the police that the gun had something silver or shiny on the bottom and that it might have had an extended magazine. At trial, she testified that this might have been the glare of the sun reflecting off the handgun.

Here, the victim testified that she observed appellant point a “black handgun” at her when she was stopped at a stoplight. And that evidence, if believed, was sufficient for the jury to find beyond a reasonable doubt that appellant both possessed a handgun and used it to commit a first-degree assault. *See Reeves v. State*, 192 Md. App. 277, 306 (2010) (“It is the well-established rule in Maryland that the testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction.”). Ultimately, the trial court, as the finder of fact, was aware of the issues that appellant now raises on appeal. And it nevertheless found the testimony of the victim to be credible, and appellant’s contrary testimony not to be credible. Consequently, we hold that there was sufficient evidence to sustain appellant’s convictions.

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