Circuit Court for Baltimore County
Case No. 03-K-15-4396

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 99

September Term, 2017

CARL JAVON ROSS

v.

STATE OF MARYLAND

Woodward, C.J.,
Friedman,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 11, 2017

Following a bench trial in the Circuit Court for Baltimore County, Carl Javon Ross, appellant, was convicted of child sexual abuse, second-degree sexual offense, third-degree sexual offense, fourth-degree sexual offense, and second-degree assault. On appeal, Ross contends that the evidence was not sufficient to support his convictions. Specifically, he claims that the sole eyewitness, the victim's sister, was not credible because (1) the lighting conditions where she observed the incident were poor; (2) her testimony was inconsistent with the testimony of other witnesses; (3) her mother testified that she had been lying about other things around the time of the incident; and (4) the State offered no physical evidence to corroborate her testimony. For the reasons that follow, we affirm.

"The standard for our review of the sufficiency of the evidence is '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.'" *Neal v. State,* 191 Md. App. 297, 314 (2010) (citation omitted). "The test is 'not whether the evidence *should have or probably would have* persuaded the majority of the fact finders but only whether it *possibly could have* persuaded *any* rational fact finder.'" *Painter v. State*, 157 Md. App. 1, 11 (2004) (citations omitted). In applying the test, "[w]e defer to the fact finder's 'opportunity to assess the credibility of witnesses, weigh the evidence, and resolve conflicts in the evidence.'" *Neal, supra,* 191 Md. App. at 314 (citation omitted).

Ross's claims are essentially an invitation for this Court to reweigh the evidence, which we will not do. 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). 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 the witnesses." *State v. Manion*, 442 Md. 419, 431 (2015) (citation omitted).

Viewed in a light most favorable to the State, the evidence demonstrated that the victim's ten-year-old sister observed Ross place his penis on the eleven-year-old victim's mouth while she slept. That evidence, if believed, was legally sufficient to support a finding of each element of each crime charged, beyond a reasonable doubt. *See Archer v. State*, 383 Md. 329, 372 (2004) ("It is the well-establish rule in Maryland that the testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction."). Consequently, the State presented sufficient evidence to support Ross's convictions.

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