

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2181

September Term, 2015

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RONNIE RASHID DOWNS

v.

STATE OF MARYLAND

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Krauser, C. J.,  
Nazarian,  
Moylan, Charles E., Jr.  
(Retired, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 6, 2017

\*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.

Convicted of two counts of attempted second degree murder, and other related offenses,<sup>1</sup> following a jury trial, in the Circuit Court for Anne Arundel County, Ronnie Rashid Downs, appellant, raises a single issue on appeal: whether there was sufficient evidence to support his convictions. Specifically, Downs claims that the testimony of Lakeedrah Johnson, the only witnesses who identified him as the shooter, was so unreliable that it “cannot stand as the basis for [his] conviction.” For the reasons that follow, we affirm.

As an initial matter, Downs did not raise this argument in either of his motions for judgment of acquittal and, therefore, it is not preserved for appellate review. *See Taylor v. State*, 175 Md. App. 153, 159 (2007) (“[R]eview of a claim of insufficiency is available only for the reasons given by appellant in his motion for judgment of acquittal.” (citation omitted)); *Bates v. State*, 127 Md. App. 678, 691 (1999) (“A defendant may not argue in the trial court that the evidence was insufficient for one reason, then urge a different reason for the insufficiency on appeal[.]”).

Moreover, even if preserved, Downs’s claim lacks merit. Appellant relies on *Kucharzyk v. State*, 235 Md. 334 (1964), wherein the prosecuting witness, an intellectually disabled 16-year-old boy with an I.Q. of 56, gave contradictory testimony about whether the crime allegedly committed by Kucharzyk had occurred. *Id.* at 336-37. The Court of Appeals reversed the Kucharzyk’s conviction for assault and battery because of insufficient

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<sup>1</sup> Appellant was also convicted of two counts of first degree assault, two counts of second degree assault, two counts of reckless endangerment, two counts of using a firearm in a felony or violent crime, and wearing and carrying a handgun.

evidence, holding that, “where a witness testifies to a critical fact and then gives directly contradictory testimony regarding the same critical fact, the fact finder should not be allowed to speculate and select one or the opposite version.” *Id.* at 337-38.

Both this Court and the Court of Appeals have made clear, however, that “[t]he doctrine set forth in *Kucharczyk* is extremely limited in scope.” *Smith v. State*, 302 Md. 175, 182 (1985); *Vogel v. State*, 76 Md. App. 56, 59-60 (1988) (“Some appreciation of the limited utility of the so-called *Kucharczyk* doctrine may be gathered from the fact that it was never applied pre-*Kucharczyk* in a criminal appeal and it has never been applied post-*Kucharczyk* in a criminal appeal”) (citation omitted). Here, there were no internal inconsistencies in Johnson’s testimony that rise to the level of those at issue in *Kucharczyk*. Although Downs’ contends that Johnson’s testimony might have been unreliable, based on her mental health history and possible motive to lie, weighing her credibility was for the jury to decide. *See State v. Stanley*, 351 Md. 733, 750 (1998) (“Weighing the credibility of witnesses in the evidence and resolving conflicts in the evidence are tasks proper for the fact finder.”).

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