

Circuit Court for Garrett County
Case No. 11-K-16-5313

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2435

September Term, 2016

BRIAN JOHN YODER

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: November 3, 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.

Following a bench trial in the Circuit Court for Garrett County, Brian John Yoder, appellant, was convicted of driving while impaired by alcohol, driving with alcohol in his blood in violation of a license restriction, and driving without a tag light. His sole claim on appeal is that there was insufficient evidence to sustain his conviction for driving while impaired by alcohol. For the reasons that follow, we affirm.

In analyzing the sufficiency of the evidence admitted at a bench trial to sustain a defendant's convictions, we “review the case on both the law and the evidence,” but will not “set aside the judgement . . . on the evidence unless clearly erroneous.” Maryland Rule 8–131(c). “We review sufficiency of the evidence to determine whether, after viewing 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.” *White v. State*, 217 Md. App. 709, 713 (2014) (internal quotation marks and citation omitted).

Driving while impaired by alcohol, only requires proof that the alcohol consumed by the driver “impaired [the driver's] normal coordination to some extent.” *See Turner v. State*, 181 Md. App. 477, 490 (2008) (citations omitted). Viewed in a light most favorable to the State, the evidence demonstrated that when Yoder stopped his vehicle, he hit the curb so hard that his vehicle “shook;” that the officer smelled a strong odor of alcohol coming from Yoder's vehicle as he approached the driver's side window; that Yoder's reactions and movements in response to the officer's questions appeared to be “delayed” and “slower than normal;” that Yoder's speech was “slightly mumbled; that Yoder's eyes were bloodshot and glassy; that Yoder was “staggering back and forth” as he walked from his vehicle to the sidewalk; that Yoder swayed as the officer explained the field sobriety

tests; and that Yoder admitted drinking three shots of alcohol earlier in the evening. Based on this evidence, the trial court could reasonably find that Yoder’s normal coordination was impaired to “some extent” by alcohol. Consequently, the State presented sufficient evidence to sustain his conviction for driving while impaired.

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