

Circuit Court for Baltimore City
Case No. 114247040

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2166

September Term, 2017

WILLIAM THORNSBERRY

v.

STATE OF MARYLAND

Wright,
Berger,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 4, 2019

*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 Baltimore City, William Thornsberry, appellant, was convicted of second-degree murder and carrying a dangerous weapon with intent to injure. On appeal, Mr. Thornsberry contends that there was insufficient evidence to sustain his convictions. Specifically, he claims that the State failed to prove that he acted with the requisite intent when he stabbed the victim. Because the State presented sufficient evidence to sustain Mr. Thornsberry’s convictions, we 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)). Whether a conviction is based on direct evidence, circumstantial evidence, or both does not affect our review. *Id.*

Viewed in a light most favorable to the State, the evidence at trial established that Mr. Thornsberry stabbed the victim with a knife six times: twice in her abdomen, twice in her back, once in her side, and once in her forearm. Based on the number and nature of the victim’s wounds, the jury could infer that Mr. Thornsberry either intended to kill her or intended to inflict grievous bodily harm when he stabbed her. *See State v. Chisum*, 227

Md. App. 118, (2016) (noting that there is a “permitted inference of an intent to kill or of an intent to do grievous bodily harm from the directing of a deadly weapon at a vital part of the human anatomy or from some similar use of deadly force” (citation omitted)). Similarly, the jury could find that he carried the knife with the intent to injure the victim.

Mr. Thornsberry nevertheless asserts that, “[b]ased upon [his] police statement and testimony, he lacked any intent to injure or kill [the victim].” However, the jury was free to disbelieve his claim that the stabbing was either self-inflicted or accidental. *See Holmes v. State*, 209 Md. App. 427, 438 (2013) (“A fact-finder is free to believe part of a witness’s testimony, disbelieve other parts of a witness’s testimony, or to completely discount a witness’s testimony.” (citation omitted)). Consequently, the State presented sufficient evidence to prove that Mr. Thornsberry acted with the requisite intent for second-degree murder and carrying a dangerous weapon with intent to injure

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