

Circuit Court for Baltimore City  
Case No. 116349001

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2166

September Term, 2019

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ANTWAUN HARRIS

v.

STATE OF MARYLAND

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Graeff,  
Arthur,  
Moylan Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 9, 2021

\*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, Antwaun Harris, appellant, was convicted of first-degree assault, conspiracy to commit first-degree assault, and use of a firearm in the commission of a crime of violence. His sole contention on appeal is that there was insufficient evidence to sustain his convictions because the State failed to prove his identity as the perpetrator. However, defense counsel did not raise this claim when moving for a judgment of acquittal. Consequently, it is not preserved for appellate review. *See Peters v. State*, 224 Md. App. 306, 354 (2015) (“[R]eview of a claim of insufficiency is available only for the reasons given by [the defendant] in his motion for judgment of acquittal.” (citation omitted)).

Moreover, even if preserved, we would find no error. Mr. Harris’s convictions were based on his having shot the victim several times as the victim was walking in the 2300 block of Calverton Heights. Although Mr. Harris contends that no physical evidence tied him to the shooting, the victim identified him as the perpetrator at trial. And, if believed by the jury, that testimony was sufficient to establish Mr. Harris’s criminal agency beyond a reasonable doubt. *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.”). Although Mr. Harris challenges the credibility of the victim’s identification, noting that it was dark and that the victim was intoxicated at the time of the shooting, 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). Rather, any inconsistencies or weaknesses in the testimony of the State’s witnesses

affects the weight of the evidence, and not its sufficiency. Consequently, we shall affirm the judgments of the circuit court.

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