

Circuit Court for Baltimore City
Case No. 115307034

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1896

September Term, 2016

PAUL GANT

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: October 2, 2017Stat

*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, Paul Gant, appellant, was convicted of robbery and second-degree assault.¹ On appeal, Gant contends that there was insufficient evidence to support his robbery conviction because the State failed to prove that his theft of the victim’s bag and cell phones was accomplished by means of an assault or battery. *See generally Morris v. State*, 192 Md. App. 1, 33 (2010) (“Robbery is a larceny from the person accomplished by either an assault (putting in fear) or a battery (violence).” (internal quotation marks and citation omitted)). 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).

Viewed in a light most favorable to the State, the evidence at trial demonstrated that Gant was angry at the victim because she was not answering his telephone calls. In response, he approached the victim outside her home, punched her in the nose, dragged her

¹ The trial court merged Gant’s robbery and second-degree assault convictions at sentencing.

across the ground, and then hit her with a brick several times. Gant temporarily fled after a neighbor came outside and threatened to call the police. He then returned a few minutes later, hit the victim again, and took her bag containing two cell phones.

Gant concedes that the evidence was sufficient to establish a second-degree assault and a theft, but contends that it was insufficient to establish a robbery because the theft was “a mere afterthought, not the reason for the force previously used.” However, even if “the force precedes the taking, the intent to steal need not coincide with the force. It is sufficient if there be force followed by a taking with intent to steal as part of the same general occurrence or episode.” *Stebbing v. State*, 299 Md. 331, 356 (1984). Because the jury could reasonably find that Gant’s assault of the victim, and the subsequent theft of her bag and cell phones, were “part of the same general occurrence or episode,” there was sufficient evidence to support his robbery conviction.

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