

Circuit Court for Anne Arundel County  
Case No. C-02-CR-17-002554

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 24

September Term, 2019

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GWENDOLYN PINDELL

v.

STATE OF MARYLAND

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Berger,  
Friedman,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 27, 2020

\*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 Anne Arundel County, Gwendolyn Pindell, appellant, was convicted of driving while impaired by alcohol and driving under the influence of alcohol. Her sole claim on appeal is that there was insufficient evidence to sustain her convictions. For the reasons that follow, we shall 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)).

Driving under the influence of alcohol requires proof that “the alcohol the person has consumed has ‘substantially impaired’ the person’s normal coordination. By contrast, driving ‘while impaired’ requires proof that the alcohol that the person has consumed ‘has impaired [the driver’s] normal coordination to some extent.’” *Turner v. State*, 181 Md. App. 477, 490 (2008) (citations omitted).

Viewed in a light most favorable to the State, the evidence demonstrated that Officer Mark Bumford observed Ms. Pindell’s vehicle repeatedly “fluctuate[] in speed” despite the absence of any traffic; sway back and forth within its lane; cross the left lane line on two

occasions; and then straddle the left and right lanes of Route 32 for approximately 100 feet. When Officer Bumford activated his emergency equipment, Ms. Pindell pulled over, but parked her vehicle so that it was halfway on the shoulder and halfway in the right traffic lane. Officer Bumford approached the driver’s side door and observed that Ms. Pindell had bloodshot eyes, slurred speech, and a strong odor of alcohol emanating from her breath. Officer Bumford then administered two standardized field sobriety tests; however, Ms. Pindell failed to perform either test as instructed. Specifically, during the walk-and-turn test, Ms. Pindell did not keep her hands by her side as she walked; did not remember to walk nine steps back in the opposite direction; and when reminded that she needed to walk back in the opposite direction, did not keep her heels and toes together as she walked. Then, during the one-legged stand test, she lifted her arms up for balance instead of keeping them by her side, swayed back and forth, and put her foot back on the ground before being told to do so. Furthermore, Ms. Pindell refused a breath alcohol test following her arrest, which permitted the jury to infer that she evidenced a consciousness of guilt of driving under the influence. *See Harding v. State*, 223 Md. App. 289, 299 (2015). Based on this evidence, the jury could reasonably find that Ms. Pindell drove a vehicle while her normal coordination was substantially impaired and, by extension, impaired to “some extent” by alcohol. Consequently, the State presented sufficient evidence to sustain her convictions.

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