

Circuit Court for Howard County
Case No. C-13-CR-24-000569

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 140

September Term, 2025

THOMAS VEO RIVERS, JR.

v.

STATE OF MARYLAND

Nazarian,
Leahy,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 22, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Howard County, Thomas Veo Rivers, Jr., appellant, was convicted of first-degree assault, second-degree assault, and wearing or carrying a dangerous weapon with intent to injure. On appeal, appellant contends that there was insufficient evidence to sustain his convictions. For the reasons that follow, we shall affirm.

Viewed in a light most favorable to the State, the evidence demonstrated that after the victim fought with appellant's sister, appellant went to his sister's house, grabbed a metal baseball bat, went into the victim's room while the victim was sleeping, and hit the victim multiple times in the leg, back, ribs, and head with the bat. The victim identified appellant as his assailant at trial. Moreover, the State presented testimony from three witnesses who lived in the residence and placed appellant at the residence around the time of the assault. Specifically, appellant's niece testified that appellant entered the residence, woke her up, grabbed a bat, and then told her he was going to "take care" of the victim.

Appellant contends that the evidence was insufficient to sustain his convictions. We disagree. 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) (quotation marks and 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) (citation omitted).

In challenging the sufficiency of the evidence, appellant points out various inconsistencies in the testimony of the State’s witnesses including: (1) discrepancies between the testimony of appellant’s sister at trial and the statements she made to police; (2) conflicting testimony from appellant’s nephew about where he went after he allegedly observed appellant enter the residence; and (3) the fact that several residents of the house denied hearing anything, despite the victim testifying that “the assault was loud and violent.” Appellant also notes that the police never found the metal bat that he used to assault the victim. However, it is “not a proper sufficiency argument to maintain that the jurors 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). That is because “it is the [trier of fact’s] task, not the court’s, to measure the weight of the evidence and to judge the credibility of witnesses.” *State v. Manion*, 442 Md. 419, 431 (2015) (quotation marks and citation omitted). Here, the victim testified that appellant struck him multiple times with a baseball bat. And that testimony, if believed by the jury, was sufficient to sustain appellant’s convictions. *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.”). Consequently, the trial court did not err in denying appellant’s motion for judgment of acquittal.

**JUDGMENTS OF THE CIRCUIT
COURT FOR HOWARD COUNTY**

**AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**