

Circuit Court for Baltimore County
Case No. C-03-CR-24-000284

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 426

September Term, 2024

RYAN BUSER

v.

STATE OF MARYLAND

Graeff,
Kehoe, S.,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 14, 2025

*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.

Convicted by the Circuit Court for Baltimore County of second degree assault, Ryan Buser, appellant, presents for our review a single issue: whether the evidence is sufficient to sustain the conviction. For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State called Jacob Curtis, who testified that Mr. Buser is Mr. Curtis's former next door neighbor. Mr. Curtis testified that on November 6, 2023, the following occurred:

I went out the front of my house on to the public street. I got on to my motorcycle. I started it and then Ryan's wife came out and just started screaming at me, swore at me and called me a couple names. I did not respond whatsoever as I had a helmet on and my motorcycle was on so [I] couldn't really like hear that well anyway.

After that, I pulled out and I stopped right in front of my friend's Corvette, which he's here, Yeabsira [Tesfaye]. After that I'm just sitting there talking to my friend and out of nowhere Mr. Ryan just runs up behind me. As I said, I had my helmet. I couldn't even see or hear and he walks up behind me[,] strangles me, tears me off my bike, slamming my head on to the ground. I was trapped underneath my motorcycle, pinched between my friend's car. All the while I was struggling to free myself. Eventually I was able to wiggle out of his grasp, which was it seemed very strong, and I ran down the road. He pursued me and chased me and then eventually he stopped chasing me and then was just screaming at me, wait until I get my hands on you, wait until I get my hands on you, multiple, multiple times. I just kept my distance, did not say anything. Eventually, he did go back inside and then that's when the police were called and then they arrived on the scene shortly after that.

During Mr. Curtis's testimony, the State entered into evidence photographs of his "motorcycle laying handle[]bar first into [Mr. Tesfaye's] car door and fender," the motorcycle's "handlebar itself, which [was] all mangled and bent," and damage to Mr.

Curtis’s helmet. Mr. Curtis testified that the damage “came about when [he] was strangled off of [the] motorcycle and [his] head was repeatedly slammed into the asphalt.”

The State also called Mr. Tesfaye, who testified that while he was speaking with Mr. Curtis, “his motorcycle [fell] on [Mr. Tesfaye’s] car,” and he “could see [that Mr. Curtis] was being dragged by Mr. Buser by the helmet.” When Mr. Tesfaye exited his car, Mr. Buser “was chasing [Mr. Curtis] down the street.” Mr. Buser also stated: “Wait ‘til I get my hands on you.” Mr. Tesfaye “tried to calm [Mr. Buser] down but his wife came and dragged him back in the house.”

Following the close of the evidence, the court convicted Mr. Buser, stating in pertinent part:

I actually found Mr. Curtis to be in¹ credible in this case and I’m sorry if I mispronounced it. Is it Mr. Tesfaye? I found him even more credible because I don’t see a reason why he would come in and give untruthful testimony about what he witnessed on that day.

The pictures themselves indicate, especially with respect to the helmet, . . . indicates scratches from a helmet that clearly didn’t come from falling against a car, it [looks] more like it’s scratches that would have come from some sort of either rolling on the ground or being scraped across the ground. Whether it is the choking part that we are talking about, the pushing part that we are talking about, none of it was consented to and, clearly, was something that in my opinion meets the definition of an assault in this case.

Mr. Buser contends that because “Mr. Curtis did not report any injuries [to] police,” “the responding officer did not arrest Mr. Buser or even seek to charge him with any offenses,” and Mr. Curtis “acknowledged on cross-examination that there was a

¹In light of the court’s subsequent remarks regarding Mr. Tesfaye’s credibility and identification of different acts that individually constituted an assault, we conclude that this instance of the word “in” is an error in transcription.

longstanding dispute over parking between him, Mr. Buser, and Mr. Buser’s girlfriend,” the court “erred in crediting Mr. Curtis and Mr. Tesfaye and in finding that the State proved its case beyond a reasonable doubt.” But, the Supreme Court of Maryland has long held that “[w]eighing the credibility of witnesses and resolving any conflicts in the evidence are tasks proper for the fact finder,” and that we must “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.” *State v. Smith*, 374 Md. 527, 533-34 (2003) (internal citations, quotations, and brackets omitted). Here, Mr. Curtis testified that Mr. Buser strangled him, knocked him off of his motorcycle, and slammed him to the ground, and Mr. Tesfaye testified that Mr. Buser “dragged [Mr. Curtis] by the helmet.” The court explicitly found this testimony credible, and the State produced photographs that corroborated the testimony. From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Mr. Buser assaulted Mr. Curtis, and hence, the evidence is sufficient to sustain the conviction.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**