

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 434

September Term, 2022

SHERRY RAY EVELAND

v.

STATE OF MARYLAND

Wells, C.J.,
Tang,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 2, 2022

*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 Cecil County, Sherry Ray Eveland, appellant, was convicted of second-degree assault. Her sole contention on appeal is that there was insufficient evidence to sustain her conviction because “her testimony flatly contradicted the account of what happened given by [the victim].” However, defense counsel did not challenge the sufficiency of the evidence with respect to the charge of second-degree assault when moving for a judgment of acquittal. Therefore, this claim is not preserved for appellate review. *See Peters v. State*, 224 Md. App. 306, 353 (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.” (quotation marks and citation omitted)).

Moreover, even if preserved, we would find no error. At trial, the victim testified that appellant showed up at her house intoxicated; accused her of “interfering with her father’s will and estate[;]” and threatened to kill her and her daughter. When the victim asked appellant to leave, appellant “attacked” her by grabbing her hair and scratching her. That testimony, if believed by the jury, was legally sufficient to support a finding of each element of second-degree assault beyond a reasonable doubt. The fact that appellant offered contrary testimony does not affect the sufficiency of the evidence because, in weighing the evidence, the jury “can accept all, some, or none of the testimony of a particular witness.” (quotation marks and citation omitted). *Correll v. State*, 215 Md. App. 483, 502 (2013). Consequently, we shall affirm the judgment of the circuit court.

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