Circuit Court for St. Mary's County
Case No. C-18-CR-22-000406

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 457

September Term, 2024

CHARLES GIOVONNE SHANKS

v.

STATE OF MARYLAND

Berger,
Tang,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 2, 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.

Following a jury trial in the Circuit Court for St. Mary's County, Charles Giovonne Shanks, appellant, was convicted of two counts of second-degree assault. 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 appellant and S.A. had a child in common. On the day of the incident, they had a disagreement about where appellant would meet S.A. to exchange custody of the child. Eventually, appellant came to S.A.'s house without her permission, but S.A. refused to go to his car to get the child because she was scared appellant might harm her. Appellant then brought the child to the front door and tried to come inside. When S.A. tried to close the door, appellant set the child down and punched S.A. in the chin, causing her to slip and fall on the floor. At this point, S.A.'s seventeen-year old son, T.T., attempted to restrain appellant by pushing him against the wall. T.T. testified that he did not let appellant go because "he was trying to hurt my mom." Appellant responded by grabbing T.T. around the collar of his shirt and pushing T.T. "back far into [the] living room, over the - - onto the couch." S.A. testified that while they were in the living room, appellant was "attempting to punch" T.T. while T.T.'s legs were "draped on the arm" of the sofa. Appellant eventually left the residence after S.A. was able to separate him from T.T. T.T. testified that before appellant left, however, he threatened to shoot S.A.

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).

Appellant first contends that no reasonable jury could have convicted him of assaulting S.A. because her version of events was "grossly inconsistent[.]" Specifically, he points out several discrepancies between S.A.'s trial testimony and her statements to the police, including the nature of their conversations about where the exchange of their child should occur, whether appellant handed their child to her before the assault occurred, and the details of what happened after the initial assault. Appellant also notes that S.A. and T.T. testified inconsistently about whether he actually made contact with S.A.'s chin when he swung at her. 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, S.A. testified that appellant punched her in the chin, causing her to slip and fall on the floor.

And that testimony, if believed by the jury, was sufficient to sustain appellant's conviction for assaulting her. *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.").

Appellant also claims that there was insufficient evidence to sustain his conviction for second-degree assault as to T.T. because, "[e]ven assuming [he] was the initial aggressor, he was legally justified in attempting to withdraw from the confrontation and not remain held hostage by [T.T.]." He thus asserts that "no reasonable jury could find [him] guilty" based on T.T's "testimony that [he] only pushed [T.T.] to free himself of [T.T.'s] grasp." This issue is not preserved, however, as he did not raise it in making his motion for judgment of acquittal. *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)). Rather, he argued that his conduct did not even "rise[] to an assault [because T.T.] already [had] his hands on [him]."

In any event, T.T. testified that he was holding appellant against the wall because appellant was "trying to hurt my mom." Moreover, S.A. testified that appellant was not trying to get away from T.T and leave the residence, but was "attempting to punch" T.T. while his legs were "draped on the arm" of a sofa. Based on that testimony the jury could reasonably find that appellant was not attempting to withdraw himself from the confrontation, or alternatively, that he was using excessive force in doing so. *See, e.g., Rajnic v. State*, 106 Md. App. 286, 291-93 (1995) (finding that sufficient evidence

existed from which a jury could reject appellant's claim of self-defense despite the undisputed testimony that the victims were larger than appellant, intoxicated, threatened to beat up appellant, and charged into his bedroom on the heels of those threats). Because the evidence did not establish that appellant's actions were justified as a matter of law, we hold that there was sufficient evidence to sustain the assault count involving T.T.

JUDGMENT OF THE CIRCUIT COURT FOR ST. MARY'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.