

Circuit Court for Somerset County
Case No. C-19-CR-17-000171

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 903

September Term, 2018

SAVON JAMAL DOUGLAS

v.

STATE OF MARYLAND

Berger,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 5, 2019

*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 Somerset County, Savon Jamal Douglas, appellant, was convicted of third-degree sexual offense. His sole contention on appeal is that there was insufficient evidence to support his conviction. However, when making his motion for judgment of acquittal in the trial court, defense counsel submitted on the evidence and did not raise any of the claims that Mr. Douglas now raises on appeal. Consequently, the issue is not preserved for appellate review. *See Peters v. State*, 224 Md. App. 306, 354 (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.” (citation omitted)).¹

Moreover, even if preserved, we would find no error. Mr. Douglas asserts that the evidence was insufficient because: 1) the victim did not report the incident until one month after it occurred; (2) there was no scientific evidence to corroborate the victim’s testimony; (3) the police did not find any messages between himself and the victim on social media; (4) there was no evidence confirming the victim’s testimony that the incident occurred in Somerset County; and (5) the jury apparently disbelieved part of the victim’s testimony because it acquitted him of second-degree rape. However, these claims are essentially an invitation for this Court to reweigh the evidence, which we will not do. It is “not a proper sufficiency argument to maintain that the [fact-finder] should have placed less weight on the testimony of certain witnesses or should have disbelieved certain witnesses.” *Correll*

¹Although Mr. Douglas does not specifically ask us to do so, we decline to exercise our discretion to engage in “plain error” review of this claim pursuant to Maryland Rule 8-131(a).

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 the witnesses.” *State v. Manion*, 442 Md. 419, 431 (2015) (citation omitted). Consequently, we affirm Mr. Douglas’s conviction.

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