

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 916

September Term, 2018

STEPHEN PAYSINGER

v.

STATE OF MARYLAND

Meredith,
Graeff,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 30, 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 Charles County, Stephen Paysinger, appellant, was convicted of aggravated cruelty to animals. Mr. Paysinger raises two issues on appeal: (1) whether the evidence was sufficient to support his conviction, and (2) whether the trial court erred in calculating credit against his sentence. Because the State presented sufficient evidence to sustain Mr. Paysinger’s conviction and his sentencing claim is not argued with particularity, we shall affirm.

Mr. Paysinger first contends that the evidence was insufficient to sustain his conviction because there was “no physical evidence” demonstrating that he was the person who inflicted harm to the dog, Ellie. 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) (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) (quoting *Harrison v. State*, 382 Md. 477, 487-88 (2004)).

At trial, the State presented testimony from multiple witnesses who observed Mr. Paysinger choke Ellie and then stab her multiple times with a knife, causing her to have “gashes on her arm, puncture wounds in her chest, and [a slit] throat[.]” That evidence, if

believed, was legally sufficient to support a finding of each element of the aggravated cruelty to animals charge beyond a reasonable doubt. *See Archer v. State*, 383 Md. 329, 372 (2004) (“It is the well-established rule in Maryland that the testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction.”). Whether the witnesses’ testimony was corroborated by any physical evidence goes to the weight of their testimony, not its sufficiency, and was for the jury to resolve.

Mr. Paysinger also asserts that the circuit court erred in calculating his credit against his sentence. The court imposed a sentence of three years’ imprisonment, to run consecutively to any previously imposed sentence. Defense counsel requested 962 days of credit against that sentence; however, the court ultimately awarded Mr. Paysinger 627 days of credit. On appeal, Mr. Paysinger states that he “questions [the court’s] determination” of credit and “asks this Court to find that he is entitled to additional credit for time spent in custody as a consequence of this case.” However, he does not set forth any specific reasons why he is entitled to additional credit or even indicate what amount of credit that he believes he should have been awarded. Because this claim is not presented with particularity, it is not properly before this Court. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (citation omitted)).

In any event, we are not persuaded that the court should have awarded Mr. Paysinger additional credit. The only time that Mr. Paysinger was arguably in custody, but did not receive credit against his sentence in this case, was from May 31, 2016 to October 5, 2016, when he was subject to electronic monitoring as a condition of his pre-trial release.

However, between March 14, 2016, and October 5, 2016, Mr. Paysinger was also subject to electronic monitoring as a condition of his pre-trial release in Case No. 08-K-16-283. And his bond in this case was ordered to run concurrent to his bond in that case. On August 24, 2017, Mr. Paysinger was convicted of second-degree assault, violation of a protective order, and malicious destruction of property in Case No. 08-K-16-283. And the court awarded him 209 days of credit against his sentence in that case, which included 206 days of credit for the entire time he spent on electronic monitoring. Mr. Paysinger’s sentence in this case was ordered to run consecutive to all other sentences previously imposed and he is not entitled to receive credit for the same time twice. *See Blankenship v. State*, 135 Md. App. 615, 618-19 (2000). Consequently, the court did not err in refusing to award him credit for the time he was subject to electronic monitoring in this case.

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