

Circuit Court for Prince George's County
Case No. JA-17-221

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1017

September Term, 2017

IN RE: B.A.

Woodward, C.J.,
Fader,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 1, 2018

*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.

The Circuit Court for Prince George’s County, sitting as a juvenile court, found B.A., appellant, involved in the offense of second-degree assault. Following a disposition hearing, the court placed B.A. on supervised probation and ordered him to pay restitution. On appeal, B.A. asserts that the evidence was insufficient to sustain the juvenile court’s finding of delinquency. For the reasons that follow, we affirm.

In reviewing the sufficiency of the evidence to sustain a conviction in a criminal case, this Court reviews the evidence admitted at trial in the light most favorable to the prosecution and determines whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. *In re: Kevin T.*, 222 Md. App. 671, 676-677 (2015). We employ the same review in juvenile delinquency proceedings, and we will not disturb the juvenile court’s findings of fact unless they are “clearly erroneous.” *Id.*

At the adjudication hearing, J.A., the juvenile victim, testified that he was walking toward a bus stop around 2:00 p.m., when a group of juveniles approached him and asked him for money. When J.A. refused, the group of juveniles “started hitting [him]” and struck him “[a]ll over [his] body, face, [and] head.” J.A. identified appellant as one of the members of the group that attacked him and, at one point, he testified that appellant had hit him. However, he later indicated that, after being struck in the eye by another individual, he covered his head and closed his eyes and, therefore, did not see exactly who had hit him after that. Nevertheless, J.A. testified that appellant was “less than half a meter” away from him before the first person struck him in the eye.

Fabiola Martinez, a security officer who was working nearby, also testified that she noticed a group of seven to ten kids standing on a street corner near the property that she was patrolling. At some point, Martinez observed “[a]ll of the kids” run across the street, “jump on” J.A., and start to punch and kick him. The group then ran away when Martinez yelled at them.

Appellant first contends that there was insufficient evidence to prove that he was present at the scene of the attack. However, J.A. testified that appellant was one of the juveniles involved in the incident and “[i]t is well settled that the evidence of a single eyewitness is sufficient to sustain a conviction.” *Handy v. State*, 201 Md. App. 521, 559 (2011) (citation omitted). Appellant nevertheless claims that J.A.’s testimony was not credible because (1) he did not identify appellant as one of the perpetrators when he was initially interviewed by the police, and (2) there were problems with his identifications of several other juveniles who were charged with committing the assault. But, it is “not a proper sufficiency argument to maintain that the [trier of fact] 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 the witnesses.” *State v. Manion*, 442 Md. 419, 431 (2015) (citation omitted). Therefore, we will not disturb the juvenile court’s credibility findings on appeal.

Appellant alternatively claims that, even if he was present and “less than half a meter” from J.A. immediately prior to the assault, the evidence was insufficient to support his delinquency adjudication because his “proximity did not support the required inference

that he shared a common criminal intent with the principal offender” and J.A. “acknowledged that he could not see who was hitting him.” We disagree. Viewed in a light most favorable to the State, the evidence established that appellant was a member of a group of juveniles who approached J.A., asked J.A. for money, and then “jumped” J.A. and struck him “[a]ll over [his] body, face, [and] head” when he refused to give them his money. Regardless of whether appellant actually struck J.A., the juvenile court could reasonably infer from that evidence that appellant either directly participated in the assault or encouraged and assisted others in committing that offense. Consequently, the State presented sufficient evidence to support appellant’s delinquency adjudication.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**