

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1173

September Term, 2021

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ARTIS ANTHONY MCDANIEL, III

v.

STATE OF MARYLAND

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Arthur,  
Tang,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: August 1, 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 Baltimore County, Artis Anthony McDaniel, III, appellant, was convicted of second-degree murder, use of a firearm in the commission of a crime of violence, and attempted use of a firearm in the commission of a crime of violence. He raises a single issue on appeal: whether there was sufficient evidence to sustain his convictions because, he claims, the identification testimony presented by the State at trial was “unreliable.” For the reasons that follow, we shall affirm.

As an initial matter, the State claims that appellant’s contentions on appeal are not preserved because defense counsel did not raise them when moving for a judgment of acquittal, specifically with respect to the murder count. We need not resolve this issue, however, because even if preserved, appellant’s claims lack merit. 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) (citation omitted). 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).

At trial, the State presented evidence that two men approached the victim outside of his apartment and, following a discussion during which “[t]heir voices got a little loud[,]” one of the men shot him. Surveillance footage showed a black Acura, which was registered

to appellant, pull into the apartment complex and park several minutes before the murder. Two males then exited the vehicle and walked out of view of the camera. The driver was a taller, older male “maybe 20 years old,” wearing a white t-shirt. The second person was younger with “kind of like a[n] afro, a mini afro, like a bush [] hairstyle.” Shortly thereafter, the sound of six gunshots could be heard in the surveillance video. Then, after “some seconds go by” the same two individuals ran back towards the Acura, got into the vehicle, and drove off.

Two detectives investigating the case reviewed the surveillance footage and identified appellant as the person wearing the white t-shirt, and appellant’s brother as the person wearing the black t-shirt. The shooting was also witnessed by a neighbor. That neighbor was shown a photograph from the surveillance video and testified that the people in the picture “look[ed]” like the people he saw approach the victim. The eyewitness further testified that the male “wearing a white T-shirt” was the one “with the gun” who shot the victim.

In attacking the sufficiency of the evidence, appellant acknowledges the aforementioned identification testimony but asserts that it was “unreliable” because the surveillance video was grainy; the officers did not have sufficient familiarity with him to identify him in the video; no witnesses were shown a photo array; and there was inconsistent testimony from the witnesses about which of the two individuals was the shooter. Appellant further asserts that there was other evidence that should have been examined by the police, including testing fingerprints that were recovered on a vehicle parked in front of the victim’s body, checking for evidence on any of the other vehicles

parked in the parking lot, conducting a formal interview of the victim’s roommate, and examining two cell phones recovered from the victim’s apartment.

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, two detectives identified appellant as the person in the video wearing the white t-shirt who exited the black Acura just before the shooting. Moreover, at trial, the neighbor who witnessed the shooting identified the person wearing the white t-shirt as the shooter. That evidence if believed, was sufficient to support a finding of guilt as to all of the charged offenses beyond a reasonable doubt. *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.”).

Ultimately, the jury was aware of the issues that appellant now raises on appeal. And it nevertheless found the identification testimony of the State’s witnesses to be credible. Consequently, we hold that there was sufficient evidence to sustain appellant’s convictions.

**JUDGMENTS OF THE CIRCUIT  
COURT FOR BALTIMORE COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**