

Circuit Court for Cecil County
Case No. C-07-CR-24-000191

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1713

September Term, 2024

DERRICK D. MOORE

v.

STATE OF MARYLAND

Reed,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 3, 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.

Convicted by a jury in the Circuit Court for Cecil County of second degree assault, Derrick D. Moore, appellant, presents for our review a single issue: whether the evidence is sufficient to sustain the conviction. For the reasons that follow, we shall affirm the judgment of the circuit court.

Mr. Moore was charged by indictment with first degree assault, second degree assault, and reckless endangerment. At trial, the State called Shalyn Johnson, who testified that at the time of trial, she had known Mr. Moore for five years, and the two had a two-year-old daughter. On February 29, 2024, Mr. Moore struck Ms. Johnson in her “[u]pper body,” including her head and arms, and threw her into “a piece of furniture.” When Ms. Johnson “came to,” police “were already there,” and Ms. Johnson “remember[ed] throwing up.” Ms. Johnson was subsequently taken to a hospital with “a head trauma unit.” The State entered into evidence photographs that, Ms. Johnson testified, were taken at the hospital and depict her with blood on her lip, “a bruise,” an “earring . . . that was ripped out from being struck,” “bruising on [her] jaw,” “ear damage that [she] had received,” “a bruise on [her] neck,” “[b]ruising on [her] back from either being pushed into something or falling into the furniture,” and “a bruise on [her] right arm.” Ms. Johnson testified that she now takes a daily “pill for nerve damage,” “had to . . . go to a concussion clinic,” and “had to do . . . neurology and chiropractor stuff.”

Following the close of the State’s case, defense counsel moved for judgment of acquittal. With respect to “the assault second-degree and the reckless endangerment,” defense counsel stated: “I’m going to submit without argument.” Defense counsel then presented argument with respect to the count of first degree assault. Following argument,

the court granted the motion with respect to first degree assault and reckless endangerment. The jury subsequently convicted Mr. Moore of second degree assault.

Mr. Moore contends that Ms. Johnson’s testimony was “insufficient to support [the] conviction,” because the testimony “was inherently unreliable,” “riddled with contradictions,” and “failed to align with the accounts provided by other witnesses, further undermining her credibility.” The State counters that “Mr. Moore waived his sufficiency challenge,” because he “did not contest below the sufficiency of evidence for second [] degree assault.” Alternatively, the State contends that the “sufficiency challenge lacks merit.”

We agree with the State that Mr. Moore’s contention is not preserved for our review. In making a motion for judgment of acquittal, a “defendant shall state with particularity all reasons why the motion should be granted,” Rule 4-324(a), and the Supreme Court of Maryland has stated that “[t]he issue of sufficiency of the evidence is not preserved when the defendant’s motion for judgment of acquittal is on a ground different than that set forth on appeal.” *Hobby v. State*, 436 Md. 526, 540 (2014) (internal citation and brackets omitted). Here, defense counsel explicitly “submit[ted] without argument” as to the count of second degree assault, and did not argue with respect to the other counts that Ms. Johnson’s testimony was so “unreliable” as to require a judgment of acquittal. Even if the contention was preserved for our review, Mr. Moore would not prevail. Ms. Johnson explicitly testified that Mr. Moore struck her in her upper body, including her head, and threw her into a piece of furniture, causing injuries to her lip, jaw, ear, neck, back, and arm, and requiring her to take medication for nerve damage and receive concussion-related,

neurological, and chiropractic treatment. From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Mr. Moore assaulted Ms. Johnson, and hence, the evidence is sufficient to sustain the conviction.

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