UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2361

September Term, 2015

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IN RE: BRONX F.

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Krauser, C. J.,
Graeff,
Leahy,

JJ.

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PER CURIAM

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Filed: September 6, 2016

Found involved in the offense of second-degree assault by the Circuit Court for Prince George's County, sitting as a juvenile court, Bronx F., appellant, contends on appeal (1) that the evidence was not sufficient to prove that he committed second-degree assault and (2) the trial court erred in admitting testimony about gestures and statements that were made by the victim after the incident because, appellant claims, that testimony constituted inadmissible hearsay evidence. For the reasons that follow, we affirm.

When faced with a challenge to the sufficiency of the evidence "the appropriate inquiry is not whether the reviewing court believes that the evidence establishes guilt beyond a reasonable doubt, but rather, 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." *In re Kevin T.*, 222 Md. App. 671, 676-77 (2015) (citation omitted). "This same standard of review applies in juvenile delinquency cases. In such cases, the delinquent act, like the criminal act, must be proven beyond a reasonable doubt." *In re James R.*, 220 Md.App. 132, 137 (2014) (quotation marks and citation omitted). We will not disturb the juvenile court's findings of fact unless they are "clearly erroneous." *In re Kevin T.*, 222 Md. at 677.

Viewing the evidence "in the light most favorable to the State," as we are required to do, we conclude the State presented sufficient evidence to sustain the juvenile court's finding that Bronx F. was involved in a second-degree assault of the attempted battery variety. The trial court could reasonably find that appellant committed a battery based on the evidence that (1) the sister of both Bronx F. and the victim (the sister) walked downstairs and observed them alone together in a dark room; (2) Bronx F. then got up and

started "shuffling his pants" in a way that looked like he was pulling them up; and (3) immediately thereafter, the victim twice told the sister that Bronx F. had made her "suck his dick." *See Quansah v. State*, 207 Md.App. 636, 647 (2012) ("A battery is a touching that is either harmful, unlawful or offensive"). Because the evidence was sufficient to establish a completed battery it therefore was "*ipso facto* legally sufficient evidence to support the lesser included and antecedent assault of the attempted battery variety." *Wieland v. State*, 101 Md. App. 1, 27 (1994).

Bronx F.'s second claim, that the trial court erred in admitting hearsay testimony about gestures and statements made by the victim, is not preserved for appeal. Although Bronx F. objected to the State's first attempt to elicit the challenged testimony, he did not renew his objection when the State asked additional questions that brought forth the same testimony. *Wimbush v. State*, 201 Md. App. 239, 261 (2011) ("[O]bjections must be reasserted [after each question or answer] unless an objection is made to a continuing line of questions." (quotation marks and citation omitted)).

Although appellant noted, when making his motion *in limine*, that he objected to "that line of questioning" this did not relieve him of his burden to reassert his objection after each question. To the extent that this statement could be interpreted as a request for a continuing objection, it was never granted by the trial court and therefore, did not preserve the issue for appeal. *See Kang v. State*, 393 Md. 97, 123 (2006) ("Because the continuing objection was not clearly granted on the record by the trial judge, Kang waived any

objection to the admissibility of references to Mrs. Kang's prior consistent statements through the testimony of the three witnesses.").

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