UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 720

September Term, 2016

YVONNE D. KELLER

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 6, 2017

Accused of violating a protective order by entering the residence of Laura Webb-Alexander, Yvonne D. Keller, appellant, was convicted of that offense following a jury trial, in the Circuit Court for Prince George's County.[1] On appeal, Keller contends that there was insufficient evidence to support her conviction because the State failed to prove that she entered Webb-Alexander's residence and, if she entered the residence, that she did so with the intent to violate the protective order. For the reasons that follow, we affirm.

"The standard for our review of the sufficiency of the evidence is '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.'" *Neal v. State*, 191 Md. App. 297, 314, *cert. denied*, 415 Md. 42 (2010) (citation omitted). "The test is 'not whether the evidence *should have or probably would have* persuaded the majority of the fact finders but only whether it *possibly could have* persuaded *any* rational fact finder.'" *Painter v. State*, 157 Md. App. 1, 11 (2004) (citations omitted). In applying the test, "[w]e defer to the fact finder's 'opportunity to assess the credibility of witnesses, weigh the evidence, and resolve conflicts in the evidence.'" *Neal, supra*, 191 Md. App. at 314 (citation omitted).

As an initial matter, we note that, in moving for judgment of acquittal before the trial court, Keller only contended that the State had failed to prove she had "entered" Webb-Alexander's residence. Because she did not argue that the State had failed to prove she intentionally violated the protective order, that issue was not preserved for appellate

[1] The record does not establish the nature of the relationship between Webb-Alexander and appellant.

review. *See Taylor v. State*, 175 Md. App. 153, 159 (2007) ("[R]eview of a claim of insufficiency is available only for the reasons given by appellant in his motion for judgment of acquittal." (citation omitted)).

Moreover, even if preserved, we would conclude that the State presented sufficient evidence to support Keller's conviction. Viewing the evidence "in the light most favorable to the State," as we are required to do, the evidence demonstrated that: (1) Keller consented to the entry of a final protective order prohibiting her from entering Webb-Alexander's residence; (2) the protective order specifically indicated that Webb-Alexander's residence included her yard, grounds, outbuildings, and any common areas; (3) Keller parked her car in front of Webb-Alexander's residence shortly after the protective order was issued; (4) Keller's daughter and two other women got out of Keller's vehicle, knocked on Webb-Alexander's door, and began arguing with her; (5) during the argument, someone threw a cell phone at Webb-Alexander when her back was turned; (6) when Webb-Alexander turned around she observed Keller on her porch with the other women; and (7) immediately thereafter, Keller and the other women walked through her yard cursing and laughing and got into Keller's vehicle. Based on this evidence, the jury could reasonably find that Keller both entered Webb-Alexander's residence and did so with the intent to violate the protective order. *See Jones v. State*, 213 Md. App. 208, 218 (2013) ("In determining a defendant's intent, the trier of fact can infer the requisite intent from surrounding circumstances such as the accused's acts, conduct and words." (internal quotation marks and citation omitted)).

Although Keller contends, as she did at trial, that she parked down the street from Webb-Alexander's residence and remained in the vehicle the entire time, the jury was "free to believe some, all or none of the evidence [she] presented." *Sifrit v. State*, 383 Md. 116, 135 (2004).

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