Circuit Court for Wicomico County
Case No. C-22-CR-22-000115

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 2231

September Term, 2022

DARNELL DEMETRIUS JENKINS

v.

STATE OF MARYLAND

Friedman,
Shaw,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 6, 2023

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Wicomico County, Darnell Demetrius Jenkins, appellant, was convicted of distribution of a controlled dangerous substance and two counts of conspiracy to distribute a controlled dangerous substance. His sole contention on appeal is that there was insufficient evidence to sustain his convictions because the State failed to prove his identity as the perpetrator. For the reasons that follow, we shall affirm.

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).

Appellant was convicted of distributing fentanyl on July 8, 2020, and conspiring to distribute fentanyl on July 14 and July 17, 2020. As to the distribution charge, Trooper William Elwell testified that on July 8, 2020, he texted and called a suspected drug dealer to arrange the purchase of $100 worth of heroin. When Trooper Elwell arrived at the pre-arranged meeting place, a male approached his vehicle and handed him a substance, that was later determined to be fentanyl, in exchange for cash. At trial, Trooper Elwell identified appellant as the person who gave him the fentanyl. He also testified that when

appellant spoke to him during the exchange, his voice sounded like the person's voice that he had spoken with on the phone to arrange the drug deal.

As to the first conspiracy charge, Trooper Elwell testified that on July 14, 2020, he called the same number to arrange another drug transaction and spoke to a person who he recognized as having the same voice as appellant. When Trooper Elwell arrived at the arranged meeting spot, a man, later identified as Steven Ent, exited a white vehicle and gave Trooper Elwell fentanyl packaged in a cigar tube in exchange for cash. Ent, an admitted heroin user who testified pursuant to a plea deal with the State, indicated that he had met appellant at the La Quinta Inn prior to the sale, and that appellant had offered to give him two bundles of heroin if he would he deliver a "cigar-shaped tube" to C.J., which was the name being used by Trooper Elwell.

Finally, as to the second conspiracy charge, Trooper Elwell testified that on July 17, 2020, he again called the same number to arrange a drug transaction, and was again met by Ent who provided him with fentanyl in exchange for cash. Ent testified that appellant had offered to provide him with crack-cocaine in exchange for completing that transaction. Corporal Michael Porta also testified that he had observed this exchange from an unmarked vehicle, and that when Ent arrived, appellant was sitting in the passenger seat of Ent's vehicle. After the exchange, Corporal Porta then followed that vehicle back to the La Quinta Inn and observed Ent and appellant exit the vehicle.

Based on the foregoing evidence, including the identification testimony of Trooper Elwell and the testimony of Ent regarding appellant's involvement in the July 14 and 17 drug exchanges, we are persuaded that the State presented sufficient evidence to establish

appellant's criminal agency. Appellant acknowledges this testimony but nevertheless asserts that the evidence was insufficient because there was no video or other physical evidence corroborating the witnesses' testimony. He further contends that Ent's testimony was "inherently unreliable given that he faced eighty years in prison, was by his own description 'very severe[ly]' addicted to heroin and cocaine at the time, and understood that providing law enforcement with information about appellant could lessen his risk of incarceration." However, the lack of corroborating physical evidence is immaterial as it "is the well-established rule in Maryland that the testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction." *Archer v. State*, 383 Md. 329, 372 (2004). Moreover, 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) (citation omitted).

Ultimately, the jury was aware of the issues that appellant raises on appeal. And it nevertheless found the identification testimony of the State's witnesses to be credible. Consequently, the trial court did not err in denying appellant's motion for judgment of acquittal.

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