UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2529

September Term, 2014

RONNIE CARL CHAPMAN

v.

STATE OF MARYLAND

Krauser, C.J.,
Berger,
Reed,

JJ.

Opinion by Krauser, C.J.

Filed: November 24, 2015

Convicted by a jury, in the Circuit Court for Baltimore County, of two counts of obstructing justice,[1] Robert Carl Chapman presents a single question for our review: Was the evidence sufficient to sustain both of his convictions? We believe that it was and shall affirm.

Trial

At the trial, the prosecution presented three witnesses: Kayla Fortune; Kayla's mother, Tammy Fortune; and Assistant State's Attorney Samuel Dominick. Kayla Fortune testified that she and appellant began dating the summer of 2012 and "broke up" in January 2013. Sometime thereafter Kayla obtained a peace order against appellant, and he was later charged with violating that order and with burglarizing her home. A trial, on those charges, was scheduled for December 17, 2013.

On that date, Kayla was sitting in the courtroom when appellant approached her. Kayla described what happened next by stating:

> I was sitting on the right hand side and he was on the left and as soon as we made eye contact, he mouthed to me that he wanted to give me some money for me to leave. If I would leave, he would give me some money and he pulled out the money out of his pocket and showed it to me and I ignored him.

Then, the following day, while she and her mother were in the courthouse hallway, appellant approached them and said he would give them $100 if they left. But "a State's

[1] The court sentenced appellant to two terms of one year imprisonment, both of which were suspended, less time served, and two years of supervised probation upon his release from prison.

Attorney came out into the hallway and walked over to [them] and said to [appellant], 'I told you already, you cannot talk to the witnesses[.]'" Appellant then walked away.

Tammy Fortune, Kayla's mother, testified that she was in the courtroom when appellant mouthed to her daughter, "I will give you money if you just leave." Later outside the courtroom, appellant said to them "please just drop this and leave." She then recounted that an assistant state's attorney told appellant that he was not supposed to talk to the witnesses, appellant walked off. A few minutes later, however, appellant returned and told them again not to proceed "with the Court matter." The assistant state's attorney then "came over and said, 'Didn't I just tell you that you're not supposed to be talking to them[,]'" whereupon appellant left once again.

Samuel Dominick, an Assistant State's Attorney for Baltimore County, testified that, while in the courthouse on December 17, 2013, he saw appellant speaking to a woman, who seemed very uncomfortable. He walked over to them and asked whether appellant was a defendant and the woman was a witness. When they both responded in the affirmative, he told appellant that he was not allowed to talk to her because she was a witness. Appellant then left the area. The following day, Dominick again saw appellant speaking to the woman. He again told appellant to stop talking to her.

Discussion

Appellant challenges the sufficiency of the evidence to support his two convictions. He points to no particular deficiency but argues generally that the State's proof of guilt "fell below the standard of proof beyond a reasonable doubt required to sustain a criminal conviction." The State responds that appellant did not preserve his sufficiency argument for our review and that, in any event, it has no merit.

Maryland Rule 4-324(a) provides, in pertinent part, that a defendant may move for judgment of acquittal "at the close of the evidence offered by the State and, in a jury trial, at the close of all the evidence. The defendant shall state with particularity all reasons why the motion should be granted." The particularity requirement is mandatory. *Bates v. State*, 127 Md. App. 678, 691 (citation omitted), *cert. denied*, 356 Md. 635 (1999). That is to say, "[ordinarily, the appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]"). Md. Rule 8-131(a).

At the close of the State's case, the court made a motion for judgment of acquittal on appellant's behalf. Appellant elaborated, "I don't think they proved anything." The court denied the motion, whereupon appellant rested without presenting any evidence. By only asserting that the evidence was insufficient, appellant failed to preserve his sufficiency argument for our review. As we stated in *Byrd v. State*, 140 Md. App. 488, 494 (2001), a defendant who merely asserts that "the evidence was insufficient to send the case to the jury"

has waived any complaint with respect to the sufficiency of the evidence because the "proffer is not particular." But, in any event, if appellant had preserved his argument for our review, we would have found it without merit.

"The standards for appellate review of evidentiary sufficiency is whether, after viewing 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." *State v. Smith*, 374 Md. 527, 533 (2003)(quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). "Weighing the credibility of witnesses and resolving any conflicts in the evidence are tasks proper for the fact finder." *State v. Stanley*, 351 Md. 733, 750 (1998)(citing *Binnie v. State*, 321 Md. 572, 580 (1991)). That is to say, "We do not re-weigh the evidence, but we do determine whether the verdict was supported by sufficient evidence, direct or circumstantial, which could convince a rational trier of fact of the defendant's guilt of the offenses charged beyond a reasonable doubt." *Smith*, 374 Md. at 534 (quotation marks and citation omitted).

The crime of "obstruction of justice" is defined by statute as prohibiting a person "by threat, force, or corrupt means, [to] obstruct, impede, or try to obstruct or impede the administration of justice in a court of the State." Md. Code Ann., CIM. Law Art., § 9-306(a).

> Although no particular acts are enumerated in the statute[2], . . . [it is] clear that the conduct prohibited includes any attempt to corruptly influence, intimidate, or impede a witness in the discharge of his duty or to corruptly obstruct or impede the due administration of justice. Thus, if the action of appellant was intended to influence, intimidate or impede [another] from testifying against him, it would be prohibited conduct. Because no direct or express evidence of appellant's intent to influence, intimidate, or impede [another] as a witness appears on the record, we must look to the circumstances surrounding the incident and the natural and inevitable consequences of the action.

Lee v. State, 65 Md. App. 587, 592 (1985).

Kayla Fortune testified that on December 17, 2013, and the following day, appellant offered to pay her not to participate as a witness in a case against him. Her testimony alone was sufficient to support appellant's two convictions for obstruction of justice. *See Branch v. State*, 305 Md. 177, 184 (1986)(the testimony of a single eyewitness is sufficient to support a conviction). But that testimony was also corroborated by the testimony of Assistant State's Attorney Dominick and, in part, by Kerry Fortune's mother. Accordingly, we find no error by the trial court in denying appellant's motion for judgment of acquittal.

JUDGMENTS AFFIRMED. COSTS TO BE PAID BY APPELLANT.

[2] The statute referred to was former Art. 27, § 26, from which the current statute was derived without substantive change. *See* Revisor's Note to § 9-306, Crim. Law.