

Circuit Court for Wicomico County
Case No. C-22-CR-18-000153

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 3277

September Term, 2018

JASON JIM LARNEY

v.

STATE OF MARYLAND

Kehoe,
Nazarian,
Gould,

JJ.

PER CURIAM

Filed: April 9, 2020

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Following a jury trial in the Circuit Court for Wicomico County, Jason Jim Larney, appellant, was convicted of first-degree assault, second-degree assault, and reckless endangerment. His sole contention on appeal is that the State presented insufficient evidence to sustain his convictions. 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) (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) (quoting *Abbott v. State*, 190 Md. App. 595, 616 (2010)). 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) (quoting *Harrison v. State*, 382 Md. 477, 487-88 (2004)).

Mr. Larney asserts that the evidence was insufficient to sustain his convictions because the victim, who identified him as the assailant, was not a credible witness. Specifically, Mr. Larney contends that the victim’s testimony was not credible because (1) he had been convicted of twelve theft-related offenses; (2) he admitted to using drugs on the day of the incident; (3) he had heroin in his possession when he was taken to the hospital following the incident; (4) he had a motive to implicate Mr. Larney; and (5) he initially told another witness that he did not know who stabbed him. However, these claims are essentially an invitation for this Court to reweigh the evidence, which we will not do. That

is because it is “not a proper sufficiency argument to maintain that the [fact-finder] 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). Rather, any inconsistencies or weaknesses in the testimony of the State’s witnesses affects the weight of the evidence, and not its sufficiency. *Owens v. State*, 170 Md. App. 35, 103 (2006) (“[A] witness’s credibility goes to the weight of the evidence, not its sufficiency.”).

At trial, the victim testified that Mr. Larney approached him while he was sitting in the passenger seat of a parked car, threatened to “gut [him] like a pig,” and then stabbed him multiple times in the face and arm when he tried to push Mr. Larney away from his vehicle. That evidence, if believed, was legally sufficient to support a finding of each element of first-degree assault, second-degree assault, and reckless endangerment beyond a reasonable doubt. *See Archer v. State*, 383 Md. 329, 372 (2004) (“It is the well-established rule in Maryland that the testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction.”). Consequently, the court did not err in denying Mr. Larney’s motion for judgment of acquittal.

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