Circuit Court for Charles County
Case No. C-08-CR-23-000839

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 436

September Term, 2024

DEMETRIUS ANTWON WILLIAMS

v.

STATE OF MARYLAND

Leahy,
Zic,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 6, 2025

*This is a per curiam opinion. Under 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 Charles County, Demetrius Antwon Williams, appellant, was convicted of second-degree assault. He raises a single issue on appeal: whether there was sufficient evidence to sustain his conviction. For the reasons that follow, we shall affirm.

Viewed in a light most favorable to the State, the evidence at trial established that Devinn Neale was shopping at Walmart and attempted to speak with a woman that he knew. Appellant, who was with that woman, told Neale not to speak to her and asked if he wanted to fight. Neale responded by sticking out his tongue and walking away.

Neale testified that, after this incident, appellant began to follow him around the store. Eventually, he turned around and appellant "got in [his] face." Neale told appellant that he was not afraid of him, at which point appellant hit him in the face. During an ensuing altercation, appellant also bit Neal on the ear and face. Neale admitted to "yapping at" appellant but denied that he had provoked or consented to the assault. Rather, he testified that he was acting in self-defense. After being shown a video of the altercation obtained from Walmart's surveillance camera, Neale acknowledged that he had dropped his shopping bags, balled up his fists, and turned around when appellant approached him. But he reiterated that he did so, not because he wanted to fight appellant, but because appellant was "approaching" him and "invad[ing] [his] space" and he wanted to "be prepared for the worst because [he didn't] know what [appellant was] going to do."

On appeal, appellant claims there was insufficient evidence to sustain his conviction because the victim consented to the assault and was, therefore, engaged in a mutual affray.[1] We disagree. 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) (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) (citation omitted).

Appellant's claim fails under this Court's standard of review. Here, the victim specifically testified that he did not want to fight appellant, that he did not consent to the assault, and that he only turned around and balled up his fists because he wanted to make sure he could defend himself. Based on that testimony, we are persuaded that the jury could reasonably find that the victim did not engage in a mutual affray. To be sure, the jury was free to disbelieve the victim's testimony in this regard. Moreover, there was at

[1] Appellant does not contend that the court prevented him from raising this defense. And the record demonstrates that the jury was, in fact, instructed on the offense of mutual affray.

least some evidence from the surveillance video which would have allowed the jury to find that the victim consented to the assault. But the fact that there are other inferences that could have been made by the jury is irrelevant in determining the sufficiency of the evidence as the "fact-finder . . . possesses the ability to choose among differing inferences that might possibly be made from a factual situation and this Court must give deference to all reasonable inferences the fact-finder draws, regardless of whether we would have chosen a different reasonable inference." *State v. Suddith*, 379 Md. 425, 430 (2004) (internal quotation marks and citation omitted). Consequently, we hold that there was sufficient evidence to sustain appellant's conviction for second-degree assault.

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