

CARL J. ROSS

v.

STATE OF MARYLAND

* IN THE
* COURT OF APPEALS
* OF MARYLAND
* Petition Docket No. 449
* September Term, 2017
* (No. 99, Sept. Term, 2017
* Court of Special Appeals)

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals filed in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Mary Ellen Barbera

Chief Judge

DATE: March 23, 2018

Circuit Court for Baltimore County
Case No. 03-K-15-4396

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 99

September Term, 2017

CARL JAVON ROSS

v.

STATE OF MARYLAND

Woodward, C.J.,
Friedman,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 11, 2017

*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 bench trial in the Circuit Court for Baltimore County, Carl Javon Ross, appellant, was convicted of child sexual abuse, second-degree sexual offense, third-degree sexual offense, fourth-degree sexual offense, and second-degree assault. On appeal, Ross contends that the evidence was not sufficient to support his convictions. Specifically, he claims that the sole eyewitness, the victim's sister, was not credible because (1) the lighting conditions where she observed the incident were poor; (2) her testimony was inconsistent with the testimony of other witnesses; (3) her mother testified that she had been lying about other things around the time of the incident; and (4) the State offered no physical evidence to corroborate her testimony. 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 (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).

Ross's claims are essentially an invitation for this Court to reweigh the evidence, which we will not do. It is "not a proper sufficiency argument to maintain that the [fact-