UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1406

September Term, 2015

JOHN LEGAWAINE SAUNDERS

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles, E., Jr.
(Retired, Specially Assigned),

JJ.

PER CURIAM

Filed: June 21, 2016

Following his conviction for theft of over $1,000 and less than $10,000 in the Circuit Court for Prince George's County, John Legawaine Saunders, appellant, appeals raising a single issue: whether the evidence is sufficient to support his conviction. Viewing "the evidence in the light most favorable to the prosecution and giving deference to all reasonable inferences drawn by the jury," *Hall v. State*, 224 Md. App. 72, 80-81 (2015), as we must do as it was the prevailing party, we conclude the State presented sufficient evidence that appellant committed the offense. *See generally State v. Coleman*, 423 Md. 666, 673 (2011) (stating that to convict a defendant of theft, the State must prove beyond a reasonable doubt that "he both intended to commit the act (to obtain or exert control over the property) and intended to cause the particular result (to deprive the owner of property)"). The jury could reasonably infer that appellant intended to exert control over, and deprive the lawful owner of, approximately $4,257 based on the witness's testimony that appellant (1) was required, as the manager of the store, to collect the money received by the store every day and deposit it in the bank; (2) was the only person at the store with access to the money; (3) did not make $4,257 in required deposits over a period of multiple days despite being repeatedly asked to do so; (4) provided conflicting statements about the status of the deposits and then refused to return the owner's telephone calls and text messages; and (5) left the store and never returned to work when the owner stated she was coming the store to speak with him about the missing money. *See Jones v. State*, 213 Md. App. 213, 218 (2015). ("In determining a defendant's intent, the trier of fact can infer the requisite intent from surrounding circumstances such as the accused's acts, conduct and words." (internal quotation marks and citation omitted)).

Although appellant asserts the State failed to disprove at least one reasonable hypothesis of innocence, where guilt is based on more than a single strand of circumstantial evidence, as is the case here, "[i]t is not necessary that the circumstantial evidence exclude every possibility of the defendant's innocence, or produce an absolute certainty in the minds of the jurors." *Hebron v. State*, 331 Md. 219, 227-29 (1993); *see also Wyatt v. State*, 169 Md. App. 394, 407 (2006) ("The State's burden is not to disprove every possible interpretation of the evidence that is favorable to the defendant. It is to prove the elements of the crime beyond a reasonable doubt."). Moreover, as the fact-finder, the jury had a rational basis to reject appellant's alternative explanation as to why the money had not been deposited and was therefore free to do so. *See Smith v. State*, 415 Md. 174, 183 (2010) (noting "the finder of fact has the ability to choose among differing inferences that might possibly be made from a factual situation" (internal quotation omitted)); *Sifrit v. State*, 383 Md. 116, 135 (2004) (the jury is "free to believe some, all, or none of the evidence presented");

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.