

Circuit Court for Prince George's County
Case No. JA-16-0710

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 256

September Term, 2017

IN RE: D.W.

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

JJ.

PER CURIAM

Filed: December 29, 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.

The Circuit Court for Prince George’s County, sitting as a juvenile court, found Appellant D.W. involved in the offenses of fourth-degree burglary and malicious destruction of property, placed him on supervised probation, and ordered him to complete community service. On appeal, D.W. asserts that his mere presence in the area, when the victim arrived at the subject property, was insufficient to sustain the juvenile court’s finding of delinquency. For the reasons that follow, we affirm.

In reviewing the sufficiency of the evidence to sustain a conviction in a criminal case, this Court reviews the evidence admitted at trial in the light most favorable to the prosecution and determines whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. *In re: Kevin T.*, 222 Md. App. 671, 676-677 (2015). We employ the same review in juvenile delinquency proceedings, and we will not disturb the juvenile court’s findings of fact unless they are “clearly erroneous.” *Id.* In evaluating the evidence, ““there is no difference between direct and circumstantial evidence.”” *Martin v. State*, 218 Md. App. 1, 34-35 (2014) (citations omitted).

At the adjudication hearing, Kevin Ming testified that he is the co-owner of a residential unit in a complex located in Fort Washington, Maryland. Mr. Ming’s condominium is on the second floor, and the condominium building backs to a wooded area that is fenced and, therefore, not accessible to the public. Mr. Ming previously rented his condominium to D.W.’s mother, and he had interacted with D.W. several times during that tenancy. Approximately two months before the incident occurred, D.W.’s family vacated the property after receiving notice that they were being evicted for failing to pay rent.

On May 8, 2016, Mr. Ming arrived at his property a few minutes after receiving a telephone call from a neighbor who lives below his condominium. When he walked around to the rear of the building, Mr. Ming observed a young male, the co-respondent, on the balcony of his condominium and D.W. on the ground below the balcony. D.W. was approximately forty feet away and running in the opposite direction. Mr. Ming observed an open, empty can of paint on the floor of his balcony and two open, empty cans of paint on the ground below his balcony. Mr. Ming described the damage to his property: paint had been poured into the air conditioning unit, the words “F You” were painted on the exterior wall of his property, paint was spilled on the balcony floor, the screen of the balcony window had been cut, and the lock on his balcony storage unit was open and bent. Mr. Ming testified that he had been at the unit the previous day because his contractor had just completed renovations. Mr. Ming stored the three paint cans, then half-full with paint, in the storage unit located on his balcony. According to Mr. Ming, the damage was not present when he was at the property the day before the incident.

Officer Alesha Bell testified that she responded to the scene, spoke with Mr. Ming, and observed the damage to his property. Officer Bell arrested the co-respondent and, while speaking to him, the co-respondent pointed to D.W. who was sitting on the steps of another building in the community. When another officer attempted to make contact with D.W., D.W. fled on foot. After a five minute foot chase, D.W. stopped and officers detained him.

This evidence, when viewed in the light most favorable to the prosecution, was sufficient to support the juvenile court’s finding that D.W. was involved in the offense of

fourth-degree burglary and malicious destruction of property. D.W.'s connection to the property and Mr. Ming, his presence at the scene of the vandalism, his flight when Mr. Ming arrived at the property, his flight when officers attempted to make contact with him, and the co-respondent's presence on the balcony were sufficient facts from which a rational trier of fact could have determined that D.W. was involved in these offenses.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE'S
COUNTY, SITTING AS A JUVENILE
COURT, AFFIRMED. APPELLANT
TO PAY COSTS.**