

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 993

September Term, 2016

DAVID SCOTT KNEAVEL

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: May 5, 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.

David Scott Kneavel, appellant, was convicted of first degree burglary and theft of property less than \$100 following a bench trial, in the Circuit Court for Queen Anne’s County. On appeal, Kneavel contends that there was insufficient evidence to support his conviction for first degree burglary because the State failed to prove that there was a “breaking” and that he intended to commit a theft at the time he entered the victim’s home. *See* Md. Code Ann., Crim. Law Art. § 60-202 (defining first degree burglary as the “break[ing] and enter[ing] [of] the dwelling of another with the intent to commit theft or a crime of violence”). For the reasons that follow we affirm.

In analyzing the sufficiency of the evidence admitted at a bench trial to sustain a defendant’s convictions, we “review the case on both the law and the evidence,” but will not “set aside the judgment . . . on the evidence unless clearly erroneous.” Maryland Rule 8-131(c). “We review sufficiency of the evidence to determine whether, after viewing 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.” *White v. State*, 217 Md. App. 709, 713 (2014) (internal quotation marks and citation omitted).

Viewing “the evidence in the light most favorable to the State,” *see White*, 217 Md. App. at 713, as we are required to do, we conclude that the State presented sufficient evidence to support Kneavel’s conviction for first degree burglary. At trial, the State’s evidence established: (1) that when the victim went to sleep, the window above his kitchen sink was closed and covered by a window screen; (2) that when the victim awoke two hours later, Kneavel was inside his house and going through his shelves; (3) that the victim had not given Kneavel permission to enter his house; (4) that after the victim ejected Kneavel

from his house, he observed that the window above his kitchen sink was open and the window screen was lying on the ground outside; (5) that the victim also noticed that one of his drawers had been opened and that a roll of coins that had been inside that drawer was missing; and (6) that the police located Kneavel later the same evening and found the victim's coins in his pocket.

Based on this evidence, the trial court could reasonably find that Kneavel entered the house by removing the window screen and pushing open the window, which was sufficient to establish that a breaking had occurred. *See Jones v. State*, 395 Md. 97, 119 (2016) (noting that an “actual breaking” occurs by “unloosing, removing, or displacing any covering or fastening of the premises”). Moreover, because Kneavel went through the victim's shelves, after breaking into his home, and was later found in possession of the victim's property, the trial court could reasonably find that he had the intent to steal at the time he entered the premises. *See Winder v. State*, 362 Md. 275, 329 (2001) (noting that “the intention at the time of the break may be inferred from the circumstances”). Consequently, the State presented sufficient evidence to support Kneavel's conviction for first degree burglary.

**JUDGMENTS OF THE CIRCUIT COURT
FOR QUEEN ANNE'S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**