

Circuit Court for Wicomico County
Case No. C-22-CR-20-000540

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 994

September Term, 2023

PATRICK CORDELL BATEMAN, SR.

v.

STATE OF MARYLAND

Nazarian,
Reed,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 31, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by a jury in the Circuit Court for Wicomico County of commercial littering, operating a refuse disposal system without a permit, and related offenses, Patrick Cordell Bateman, Sr., appellant, presents for our review a single issue: whether the evidence is insufficient to sustain the convictions. For the reasons that follow, we shall affirm the judgments of the circuit court.

Mr. Bateman was charged by criminal information with the following offenses:

- Count One: On or about July 24, 2019, commercial littering at or near a property known as 26051 Quinton Road in Mardela Springs.
- Count Two: On or about July 24, 2019, littering at or near 26051 Quinton Road and in an amount exceeding 500 pounds in weight and 216 cubic feet in volume.
- Count Three: On or about July 24, 2019, operating a refuse disposal system without a permit at or near 26051 Quinton Road.
- Count Four: On or about July 24, 2019, failing to comply with a regulation regarding open dumping at or near 26051 Quinton Road.
- Count Five: On or about July 24, 2019, commercial littering at or near a property known as 26089 Quinton Road in Mardela Springs.
- Count Six: On or about July 24, 2019, littering at or near 26089 Quinton Road and in an amount exceeding 500 pounds in weight and 216 cubic feet in volume.
- Count Seven: On or about July 24, 2019, operating a refuse disposal system without a permit at or near 26089 Quinton Road.
- Count Eight: On or about July 24, 2019, failing to comply with a regulation regarding open dumping at or near 26089 Quinton Road.
- Count Nine: On or about June 14, 2019, operating a refuse disposal system without a permit at or near 26051 Quinton Road.
- Count Ten: On or about June 14, 2019, failing to comply with a regulation regarding open dumping at or near 26051 Quinton Road.
- Count Eleven: On or about June 14, 2019, operating a refuse disposal system without a permit at or near 26089 Quinton Road.

At trial, the State called Cheryl Brown, who testified that she owns the property known as 26089 Quinton Road, and that Mr. Bateman owns the adjacent property known as 26051 Quinton Road. In 2019, Ms. Brown’s brother informed her that “there was trash being piled up . . . and it was crossing the line onto [her] property.” Ms. Brown visited her

property and discovered a “mound of trash,” some of which was on her property, and some of which was on Mr. Bateman’s property. Ms. Brown spoke to Mr. Bateman, who made “remarks like . . . I’ll get it cleaned up when I can, things like that.”

The State also called Richard Brian Littlefield, who was formerly employed by the Maryland Department of the Environment (hereinafter “MDE”) as a “licensed environmental health specialist supervisor.” Mr. Littlefield testified that in 2019, MDE “received a couple of complaints about waste being dumped on [Mr. Bateman’s] property.” On or about June 14, 2019, Mr. Littlefield visited Mr. Bateman and Ms. Brown’s properties and spoke with Mr. Bateman. Mr. Littlefield subsequently issued a report in which he stated, in pertinent part:

- Two complaints were communicated to the Solid Waste Program concerning the open dumping of solid wastes at the rear (south end) of the Bateman property. According to one complainant, the trash has been accumulating at the Bateman property for the past six months.
- I met Mr. Bateman at his property and informed him of the complaints the MDE had received concerning the disposal of solid wastes on his property. I asked for and received permission from Mr. Bateman to inspect his property and to take pictures.
- An area at the south end of the Bateman property has considerable household trash that has been dumped on the ground. The area with solid wastes dumped on the soil surface measures approximately 100' by 75'. The average height of the wastes was estimated at 3.5'. A large population of flies was present at the site.
- An area on the east side at the open dump had been excavated and had wastes in the excavation. Mr. Bateman said that he had been considering burning the wastes. During my visit to the site, the wastes were removed from the excavation and the hole was being filled with dirt. I advised Mr. Bateman to stop filling the hole until all the waste[s] were removed from the site. He was also advised that exploratory trenching would be required before the open dump was considered sufficiently clean of solid wastes.

- Mr. Bateman said he had been dumping the wastes on the ground for two months. He said the reason for dumping the wastes at the site was due to financial reasons.
- Research into property lines and land ownership demonstrate that ~90% of the wastes in the open dump actually fall on the adjacent property[.]
- Mr. Bateman was advised to begin cleaning up the site starting [on] one end and progressing to the other end (ex. South to North). This will allow progress to be seen more easily.
- Mr. Bateman was asked to notify me when he begins removing wastes from the site. He was also advised not to bring any new wastes onto the property.
- Receipts demonstrating the proper disposal of solid wastes must be provided to the Department. All solid wastes must be disposed into a permitted solid waste disposal facility.
- Pictures of the open dump were taken today.

Mr. Littlefield attached to the report a photograph of the open dump and excavation areas in relation to the line separating Mr. Bateman's property from the adjacent property, and "[p]hotographs of the open dump taken from the west side looking in an easterly direction" and "from the east side looking in a westerly direction." The report was entered into evidence.

When asked what he knew "about Patrick's Garbage Disposal," Mr. Littlefield testified:

I know that Mr. Bateman ran a refuse collection system. He used to have cans that he provided for residents in the San Domingo area of Wicomico County, in particular, is where I had seen his refuse disposal cans.

* * *

These would be trash cans that he would provide to the residents through a contract and then they would put their trash in there and then they would empty those cans into a collection vehicle.

* * *

It has his name on the side of the cans.

When asked if he saw “any of those cans . . . when” he was at Mr. Bateman’s property, Mr. Littlefield stated: “He had a few that he stored behind the property, but there were not a lot of them, no.”

The State also called Thomas Waugh, who testified that he is “the Chief Investigator for the Environmental Crimes Unit for the Maryland Office of [the] Attorney General.” Mr. Waugh testified that on July 24, 2019, he met Mr. Littlefield at Mr. Bateman’s property. When Mr. Bateman arrived at the property, Mr. Waugh “asked him about the piles of trash and debris in the rear of his property.” Mr. Bateman stated “that he had brought it there because he was having financial difficulty.” Mr. Bateman further stated that “he was aware that most of the dumping was on his neighbor’s property,” the dumping had been occurring “for a couple of months,” “he was planning on cleaning it up but that it would be slow due to the funds,” “he had stopped when he received notice from MDE,” and “he was not bringing anything there anymore.” Mr. Bateman subsequently gave Mr. Waugh “permission to go on his property.”

Entering the property, Mr. Waugh discovered “a white trash truck . . . that said . . . Patrick’s Garbage Disposal, LLC.” Mr. Waugh took photographs of the truck, and the photographs were entered into evidence. The photographs of the truck reflect two telephone numbers and the slogans “we give u more than what u pay for” and “servicing

in Maryland and Delaware.” Mr. Waugh subsequently obtained the “Articles of Organization” for the company, which were entered into evidence. The Articles state, in pertinent part: “The purpose for which the corporation is formed is [t]he act or process of picking up or collecting from various places the collection or removal of garbage of all types and kinds.” Mr. Waugh further discovered “[t]hat they had a website . . . advertising for garbage residential pickup.”

Behind Mr. Bateman’s house, Mr. Waugh discovered “numerous trash cans, some filled and not, that said ‘Patrick’s Garbage Disposal, LLC,’ on the side of them.” Mr. Waugh saw “numerous cans that were stacked, but . . . some that were filled with garbage.” Mr. Waugh also discovered “large piles of residential trash” including “white and black trash bags that were filled with everything that you would consider that would come out of a residential house from food containers to food to toothbrushes to household mail.” Mr. Waugh estimated the piles to be “approximately 150 feet long by 100 feet wide, 3 to 5 feet in height.” Mr. Waugh further discovered “bulk items” such as mattresses, “evidence of rodents,” and “dead animals.” Mr. Waugh took photographs of the trash cans and piles, and the photographs were entered into evidence. Mr. Waugh estimated that “[n]inety percent of the waste, if not more, is on Ms. Brown’s property.”

The State also called Brian Baumgartner, who testified that he is employed by MDE as an “Environmental Compliance Specialist.” On September 20, 2019, Mr. Baumgartner visited Mr. Bateman’s property. Mr. Baumgartner testified:

When I first got there, I saw a waste truck in the front yard with two – I believe it was two – two men that were at the back of the truck. Pulled onto the property. Mr. Bateman approached me. We introduced ourselves, our

names and who we were. I asked Mr. Bateman, you know, what was going – you know, what – about the outstanding violation, and he told me that he was aware of the violation but he was unable to clean the material up right now because of financial difficulty.

Mr. Baumgartner recalled that written on the truck was the name “Patrick’s Garbage Disposal.” Along a fence, Mr. Baumgartner saw “a lot of garbage totes,” which are “commercial waste totes that any homeowner would put their garbage into and then wheel it out to the curbside when . . . that day of the week came to . . . have their trash picked up.” Some of the “totes” had “Patrick’s Garbage Disposal” written on them. Mr. Baumgartner asked Mr. Bateman if Mr. Baumgartner “could go look at the waste behind the fence,” and Mr. Bateman “said it was fine.” Mr. Baumgartner “drove back behind the fence, looked at the waste that was back there,” and “took a couple pictures, . . . one or two from the . . . west side facing east and then . . . from the east side facing west.” The photographs were entered into evidence.

During their conversation, Mr. Bateman told Mr. Baumgartner that nothing “had been removed” from the property, and that Mr. Bateman “didn’t see the need to” notify MDE “when he did remove any waste from the property.” Mr. Bateman also “would not give [Mr. Baumgartner] a specific property or address” where the “current waste . . . was going,” but “acknowledge[d] that he was still picking up waste.” Mr. Baumgartner confirmed that he was “familiar with Patrick’s Garbage Disposal, LLC” as a business that “picks up waste commercially from property owners” and “then takes it . . . somewhere to be disposed of.” Mr. Baumgartner testified that Mr. Littlefield’s “measurement of [the wastes] in the previous inspection,” specifically “about 75 feet by 100 feet by roughly 3

and a half feet high or deep,” “looked right to” Mr. Baumgartner. “Using [Mr.] Littlefield’s measurements,” Mr. Baumgartner calculated the total amount of wastes to be “26,150 cubic feet or just over 972 cubic yards,” which “would exceed 500 pounds.”

Following the close of the State’s case, Mr. Bateman moved for judgment of acquittal of all counts. The court granted the motion as to Count Eight, but denied the motion as to the remaining counts. The jury subsequently acquitted Mr. Bateman of Count Six, but convicted him of the remaining counts. The court subsequently sentenced Mr. Bateman for the conviction under Count One to a term of imprisonment of three years, all but sixty days suspended. For the conviction under Count Three, the court sentenced Mr. Bateman to a term of imprisonment of one year, all suspended. The court merged the remaining convictions.

Mr. Bateman contends that, for three reasons, the evidence was insufficient to sustain the convictions. Mr. Bateman first contends that the “evidence was insufficient for the counts alleging any offense on July 24, 2019,” because “there was no evidence that Mr. Bateman had continued to place any material on the property after the initial note from MDE in June.” We disagree. While Mr. Littlefield stated in his report that on June 14, 2019, the “wastes dumped on the . . . surface” of Mr. Bateman and Ms. Brown’s properties “measure[d] approximately 100' by 75” and approximately 3.5' high, Mr. Waugh testified that on July 24, 2019, the wastes measured “approximately 150 feet long by 100 feet wide, 3 to 5 feet in height.” Also, Mr. Baumgartner testified that during his conversation with Mr. Bateman on September 20, 2019, Mr. Bateman “acknowledge[d] that he was still picking up waste.” Finally, the State entered into evidence numerous photographs taken

by Mr. Waugh and Mr. Baumgartner, from which the jury could determine for themselves whether additional material had been placed on the properties after June 14, 2019. From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Mr. Bateman continued to place material on the properties after June 14, 2019.

Mr. Bateman next contends that the “evidence was insufficient for the ‘commercial’ littering charges,” because “there was no evidence presented that [he] had received any financial or commercial gain – or even evidence shown of the existence of any commercial customers – in June or July of 2019.” We disagree. The photographs taken by Mr. Waugh of Mr. Bateman’s “trash truck” reflect two telephone numbers and the slogans “we give u more than what u pay for” and “servicing in Maryland and Delaware.” The Articles of Organization obtained by Mr. Waugh indicate that “Patrick’s Garbage Disposal, LLC,” was created for the purpose of “picking up or collecting from various places . . . garbage of all types and kinds.” Mr. Waugh discovered that as of July 24, 2019, Mr. Bateman “had a website . . . advertising for garbage residential pickup.” On Mr. Bateman’s property, Mr. Waugh discovered trash cans “that were filled with garbage.” As previously stated, Mr. Waugh discovered “piles of residential trash” larger than those found by Mr. Littlefield. Mr. Baumgartner testified that when he arrived at Mr. Bateman’s property on September 20, 2019, he saw “a waste truck . . . with . . . two men” other than Mr. Bateman “at the back of the truck.” Finally, Mr. Baumgartner testified that during his conversation with Mr. Bateman on September 20, 2019, Mr. Bateman “acknowledge[d] that he was still picking up waste.” From this evidence, a rational trier of fact could conclude beyond a

reasonable doubt that despite Mr. Littlefield’s instructions of June 14, 2019, Mr. Bateman continued to serve “commercial customers” for “financial or commercial gain.”

Finally, Mr. Bateman contends that “there was not sufficient evidence demonstrating[] which, if either, property contained the amounts legally required under the charges of littering.” *See* Md. Code (2002, 2012 Repl. Vol., 2018 Supp.), § 10-110(f)(2)(iii) of the Criminal Law Article (a “person who disposes of litter in violation of this section in an amount exceeding 500 pounds or 216 cubic feet . . . is guilty of a misdemeanor”). We disagree. Mr. Littlefield testified that on June 14, 2019, he observed on the properties wastes in the amount of approximately 26,250 cubic feet. Mr. Littlefield also testified that approximately 90% of the wastes were on Ms. Brown’s property, and hence, approximately 10% of the wastes were on Mr. Bateman’s property. Mr. Waugh testified that on July 24, 2019, he observed on the properties an even larger amount of wastes, and confirmed Mr. Littlefield’s estimate as to the percentage of wastes located on each property. Mr. Waugh also took numerous photographs of the wastes, from which the jury could estimate for themselves the weight of the wastes. Mr. Baumgartner testified that on September 20, 2019, he observed on the properties wastes in an amount consistent with Mr. Littlefield’s measurements. Finally, Mr. Baumgartner explicitly testified that the amount of wastes was “26,150 cubic feet,” and weighed over 500 pounds. From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that the

properties contained the amount of wastes “legally required” for a conviction of littering, and hence, the evidence is sufficient to sustain the convictions.¹

**JUDGMENTS OF THE CIRCUIT COURT
FOR WICOMICO COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

¹As best we can determine, Mr. Bateman does not challenge the sufficiency of the evidence of his convictions under Counts Nine through Eleven.