Circuit Court for Charles County
Case No. C-08-CR-21-000288

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1440

September Term, 2022

ARRON WILLIAM SAUNDERS

v.

STATE OF MARYLAND

Shaw,
Ripken,
Tang,

JJ.

Opinion by Tang, J.

Filed: January 8, 2024

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

A jury in the Circuit Court for Charles County convicted Arron William Saunders,[1] appellant, of several offenses arising from an armed robbery. Appellant's sole claim on appeal is that the State's circumstantial evidence of his identity as the criminal agent was insufficient to sustain his convictions. For the reasons below, we disagree and affirm the judgments.

BACKGROUND[2]

At around 8:30 p.m. on November 5, 2020, Dale Garvin III met up with his friends, Nathan Jones and Devonte Carter.[3] Carter picked up Garvin and Jones and drove them to Oak Manor, a townhouse neighborhood where the three grew up.

When they drove into the neighborhood, Garvin noticed Cheyenne Edwards's Nissan Sentra parked outside his family home. Garvin and Edwards share a child, and she was dropping their son off at the house. Garvin also observed a man slightly taller than average, wearing a white shirt and jean jacket, exit Edwards's car from the passenger side and re-enter from the driver's side.

The friends parked behind Jones's house at the back of the neighborhood. They planned to smoke inside the car. At some point, Garvin left the vehicle to retrieve his

[1] Appellant's name in various filings in the circuit court include the suffix "Jr."

[2] We recount the pertinent facts adduced at trial. In doing so, we view the evidence in the light most favorable to the State as the prevailing party. *See State v. Krikstan*, 483 Md. 43, 63–64 (2023).

[3] For the sake of clarity, we will refer to the witnesses in this case by their last names without honorifics and mean no disrespect.

headphones from his family home, which was just a 15 to 30-second walk around the corner from where they had parked.

While inside the house, Garvin encountered Edwards and questioned her about the man in her car and their relationship. This led to an argument between the two. After the confrontation, Garvin and Edwards left the house and went their separate ways.

Upon rejoining his friends in Carter's car, Garvin sat in the rear passenger seat behind Carter, who was in the driver's seat. Jones was seated in the front passenger seat. Within a minute, a man wearing a ski mask approached the driver's side door and opened it. He pointed a handgun at them and demanded that they hand over their possessions. Garvin noticed that the masked gunman wore a white shirt and jean jacket and had "little twists" in his hair.

The gunman proclaimed, "[T]his is real D.C. sh*t," or something that made it known that he was from D.C. The gunman struggled with Carter, who held his ground and did not turn over any of his belongings. Although Carter did not give in, the gunman managed to grab the car keys. During the altercation, the gunman ripped the pocket off Carter's cargo pants and attempted to drag him out of the car. He then shot at the ground to intimidate Carter into relenting.

Garvin reacted by giving the gunman $300 that he had in his pocket. The gunman went to the back passenger side and searched Garvin's pockets. At 8:35 p.m., Jones's cell phone rang; it was his mother calling him about the gunshot she had heard. The gunman took Jones's cell phone and demanded other valuables from him. When he realized that

Jones had nothing else, the gunman warned them not to follow him, shot at the car a few more times, and ran away.

Garvin rushed back to his family home and told his father and stepmother that he had just been robbed by "[t]hat b**ch's boyfriend." At Garvin's request, the stepmother called Edwards, who informed her that she was in Brandywine, which the stepmother understood to be 10 minutes away. Edwards told the stepmother that neither she nor her boyfriend participated in the robbery. The stepmother also spoke to the boyfriend, who also denied any involvement in the robbery.

Officers were dispatched to the scene within minutes of the incident. They recovered fired bullets and shell casings from the parking area near Carter's vehicle. No latent prints of value or DNA were recovered from these items. Police also recovered Jones's cell phone and Carter's torn pants pocket. These items were examined and analyzed for DNA. A mixture of DNA was detected on the phone case, and Jones was identified as the primary contributor. But there was not enough DNA from the second contributor to draw any conclusions about that individual. Carter's torn pocket did not have enough DNA to be tested.

Text Messages After the Robbery

At 3:59 a.m. on November 6, 2020, the day after the robbery, appellant texted Edwards, "I'm [o]n my way home, and baby you not ready for this life mane." The following exchange ensued:

[EDWARDS]: When u leave[?] Like why u leave and not tell me Arron[?]

> [APPELLANT]: Bra I couldn't deal wit it mane[.] It was eating me up mane, baby I thought you to be solid mane[.] Den what you said at the end really made me start looking at sh*t funny mane[.] Like I know it happened wrong asf but you gotta be prepared for this sh*t dealing wit me mane[.]
>
> [EDWARDS]: Wym idc wat happen Arron[.] If I was trippin idda left u[.] Like I kno when I go get [my son] in the morning my babyfather dad rl bout to try Nd spazz on me[.] [Garvin's stepmother] already txted me Nd told me I need to come there Nd get my son[.] It's my fault [a]nything went down[.]

Later, appellant texted, "Like I knew I shouldn't have mane I know I was too much mane but I saw nothing but good [i]n you, just couldn't tell me tha truth mane[.]" Edwards responded that she never lied to appellant or "lost any type of love" for him. She explained:

> [EDWARDS]: U sayin I ain't solid . . . like Arron if I wasn't solid idda left and told u gtf the second it happen . . . yea the sh*t bothers me that u did that while I juss dropped my son off Nd then in my car in a neighborhood where I go . . . that's all bra[.]
>
> * * *
>
> Y'all were already plotting on doin sumn. Nd u knew it was boutta go down soo don't act like u didn't know what was boutta happen . . . even I knew sum was bout to happen the second I got inna car and said just pull off[.]

Just before 9 a.m., Edwards texted her sister, stating she wanted to talk. The sister asked about the matter, and Edwards said it was about her "bf" and Garvin.

Investigation

Detective Richard Logsdon from the Criminal Investigation Division of the Charles County Sheriff's Office was assigned as the lead investigator in the case. He gathered eyewitness accounts from Garvin, Carter, and Jones. Garvin "pointed out [Edwards] and [her] boyfriend," advising that they were in a Nissan Sentra. He said the gunman was skinny, between 5'8" and 5'11".

Carter described the gunman as a black male, between 5'5" and 5'9", wearing a dark hoodie sweatshirt, and dark denim jeans, and had "twists" in his hair that came out in the front of the gunman's mask. At trial, he similarly testified that the gunman was skinny, about 5'7" or 5'8", wearing dark clothing, and had "small plaits" or "dreads" "hanging out of the front of his ski mask."

Jones also described the gunman as a skinny black male, between 5'6" and 5'9", wearing a dark hoodie and dark denim jeans and had "dreadlocks" coming through the mask. At trial, Jones testified that the gunman had "some type of either dreads and/or twists" "peeking down out of the front of the ski mask where his eyes w[ere] covered." He also testified that he could not determine the gunman's "exact race" but could tell "he had some kind of melanin[.]"

The detective obtained surveillance footage from a nearby 7-Eleven store, which captured Edwards's Nissan entering the parking lot. A still shot was captured at 8:01 p.m., about 35 minutes before the robbery. The image showed a black male, who appeared to be between 5'5" and 5'6", wearing a white/light gray hoodie underneath a dark/blue jacket and dark skinny jeans. Edwards later confirmed that the man in the still shot was appellant. Police also recovered an expired Washington D.C. learner's permit during a search of appellant's apartment. The permit stated appellant's height as 5'7" and weight as 135 pounds.

Detective Logsdon also obtained surveillance video from a car dealership near the Oak Manor neighborhood. The video shows a car stopped across from the Garvin family house just before 8:30 p.m. The vehicle pulled away from the house at 8:30 p.m. At 8:33

p.m., the car turned around and drove toward where Carter's car was parked. The State introduced two still shots of a car then leaving the neighborhood at 8:35 p.m. The detective concluded that the vehicle in the stills had characteristics of a Nissan Sentra.

Detective Logsdon interviewed Edwards about the evening of the robbery. During the interview, Edwards maintained for over an hour that she and someone named "Black" were the only ones in the car that evening. The detective shared with her what his investigation had uncovered, including still shots of appellant at 7-Eleven the night of the robbery and at the MGM casino, where he was known to frequent. He explained that he knew appellant was the other person in her car. After being confronted with the evidence, Edwards claimed a third person was in her car.

Edwards was arrested and held at a detention center. The detective listened to the recorded jail calls between Edwards and appellant. In one call, Edwards told appellant that police had charged her with conspiracy to commit armed robbery and other offenses[4] and that "[t]hey're trying to get you with attempted murder." She explained that "they're waiting to catch you, 'cause they've got a picture of you and everything[,]" they had been "tracking your phone[,]" and "[t]hey know our every move, where we've been going, pictures of everything[.]"

The two discussed the gun used in the armed robbery, and appellant insisted that police were not going to find it. Edwards said, "They keep saying it's you, and you had a gun[,]" to which appellant replied, "They ain't gonna find no gun." Edwards said that

[4] Edwards later pleaded guilty to conspiracy to commit robbery.

police seized her car. Appellant asked, "[Y]ou know what they was looking for, right?" Edwards responded, "That gun?" Appellant said, "[Y]ou know why they don't have it yet? . . . (inaudible) 'cause nobody seen nothing." But Edwards said a camera was in the neighborhood, and "everything's on there." Appellant responded, "That wasn't me, so I don't care . . . like they don't really have nothing[.]"

Edwards proceeded to share other information the detective had. She told appellant that the detective had still shots of appellant at the casino:

> [EDWARDS]: Right, but [the detective] said, he pulled out pictures of you at the MGM. You know how like I guess your hair, one of them is like in twists?
>
> [APPELLANT]: Yeah.
>
> [EDWARDS]: He got pictures of you at the MGM with that one twist hanging out in the front. And he keeps saying that was, the victim, that's what he described in the pictures. And they got pictures of me, or of you, going into the 7-Eleven.

Edwards also told appellant that police had their messages from social media accounts, conversations "deep in our DMs[,]" "pictures and everything." Throughout the conversation, appellant reiterated that "[t]hey don't really have nothing"; "they ain't got "sh*t"; and "I don't know how he's gonna try to catch me (inaudible)."

Edwards's Testimony

At trial, Edwards acknowledged that, at the time of the robbery, she and appellant were in a romantic relationship. She also said that appellant had accompanied her to the Garvin family home to drop off the child on the evening of the robbery. She went inside the house while appellant remained in her car. Inside, she argued with Garvin about "who

was bringing [her] over there to drop the baby off[.]" After Edwards left the house, appellant drove Edwards elsewhere in the neighborhood and parked, but neither exited the car. When they heard gunshots, they drove away. She and appellant told Garvin's stepmother that they did not take part in the robbery.

Edwards told the jury that there was a third person in her car. She admitted initially telling the detective that only two people were in the car. When questioned about the identity of this third person, Edwards conceded that she had not provided police with their name or contact information. And there was no communication with this third person on the day of the robbery or the next day.

Verdict and Sentencing

The jury found appellant guilty of armed robbery as to Garvin and Jones and attempted robbery as to Carter, along with firearms and related offenses. The court sentenced appellant to serve an aggregate of 45 years with all but 15 years suspended.

Appellant noted a timely appeal.

STANDARD OF REVIEW

In deciding any claim relating to the sufficiency of the evidence, the appropriate inquiry is "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." *Handy v. State*, 201 Md. App. 521, 558 (2011) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). "A purpose of this rule is to give 'full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh

the evidence, and to draw reasonable inferences from basic facts to ultimate facts.'" *Id*. (quoting *Jackson*, 443 U.S. at 319).

Our Supreme Court has said, "[i]t is not our role to retry the case." *Smith v. State*, 415 Md. 174, 185 (2010). "Because the fact-finder possesses the unique opportunity to view the evidence and to observe first-hand the demeanor and to assess the credibility of witnesses during their live testimony, we do not re-weigh the credibility of witnesses or attempt to resolve any conflicts in the evidence." *Id*. We defer to the jury's inferences and determine whether the evidence supports them. *Id.*; *see also Bible v. State*, 411 Md. 138, 156 (2009) ("[the appellate court] must give deference to all reasonable inferences [that] the fact-finder draws, regardless of whether [the appellate court] would have chosen a different reasonable inference"); *Sifrit v. State*, 383 Md. 116, 135 (2004) (the jury is "free to believe some, all, or none of the evidence presented.").

"That standard applies to all criminal cases, regardless of whether the conviction rests upon direct evidence, a mixture of direct and circumstantial, or circumstantial evidence alone." *Smith*, 415 Md. at 185. "Circumstantial evidence is sufficient to sustain a conviction, but not if that evidence amounts only to strong suspicion or mere probability." *Id*. (cleaned up). "Although circumstantial evidence alone is sufficient to sustain a conviction, the inferences made from circumstantial evidence must rest upon more than mere speculation or conjecture." *Id.*

In reconciling conflicting inferences that can be drawn from circumstantial evidence, we have said that:

> Even in a case resting solely on circumstantial evidence, and resting moreover on a single strand of circumstantial evidence, if two inferences reasonably could be drawn, one consistent with guilt and the other consistent with innocence, the choice of which of these inferences to draw is exclusively that of the fact-finding jury and not that of a court assessing the legal sufficiency of the evidence. The State is **NOT** required to negate the inference of innocence. It is enough that the jury must be persuaded to draw the inference of guilt.

Ross v. State, 232 Md. App. 72, 98 (2017).

DISCUSSION

Appellant argues that the State's circumstantial evidence of his identity as the criminal agent was insufficient to support his convictions. He challenges the inferences that could have been made from the circumstantial evidence by underscoring the lack of evidence that tied him to the robbery. Appellant never admitted to participating in the robbery, no witness identified him as the gunman, and no forensic evidence connected him to the incident. Based on this premise, he maintains that the circumstantial evidence left the jury to speculate about his identity as the gunman. The State responds that the circumstantial evidence overwhelmingly proved that appellant was the gunman.

We conclude that the circumstantial evidence of appellant's identity as the criminal agent was sufficient to support the convictions. After weighing all the evidence, the jury could have drawn these conclusions: On November 5, 2020, appellant accompanied Edwards to the Garvin family home to drop off the child. At 8:01 p.m., Edwards and appellant drove to a nearby 7-Eleven store. Surveillance video captured appellant wearing a white/light gray hoodie underneath a dark/blue jacket and dark skinny jeans.

Just before 8:30 p.m., appellant and Edwards parked in front of the Garvin family home. Shortly after, Garvin and his friends arrived in the neighborhood. Garvin spotted a man wearing a white shirt and dark jacket inside Edwards's car. By comparing Garvin's description of the man's attire inside Edwards's car and appellant's clothing in the still shot at the 7-Eleven, the jury could have reasonably deduced that the man wearing the white shirt and dark jacket inside Edwards's car was appellant. The jury also could have inferred that Garvin later recognized the gunman as Edwards's boyfriend based on the same attire he had seen in Edwards's car.

Appellant contends that the witnesses—Garvin, Carter, and Jones—gave inconsistent descriptions of the gunman. But the jury could have determined that any discrepancies in the descriptions were insignificant and that the descriptions, when considered together, sufficiently matched appellant's appearance. This conclusion could have been reached by assessing the witnesses' credibility, examining the still shots, and listening to the recorded jail call in which appellant confirmed that he had a "twist" in his hair. The D.C. learner's permit was another piece of circumstantial evidence that linked appellant with the gunman claiming to be from D.C.

The text messages exchanged the day after the robbery provided other evidence that connected appellant to the robbery. In the messages, appellant expressed his resentment about the previous night. He also questioned Edwards's reaction to what happened and her commitment to him. Edwards blamed herself for what "went down" and was bothered that appellant "did that" while dropping off her child in her car and in a neighborhood she frequented. She also said they knew something would happen when leaving the Garvin

family house. While appellant did not admit to committing the crime, a jury could reasonably infer that the two were talking about the robbery and that appellant carried it out.

The recorded jail calls were another piece of circumstantial evidence that tied appellant to the robbery. Although he did not admit his involvement, the jury could have construed the conversations as a plea by Edwards for appellant to remain cautious about being caught by police and an assessment of the evidence produced by the detective's investigation. As Edwards listed the information the detective had against him, appellant challenged or dismissed the potential connection with him, claiming that no witnesses saw him and that police "really had nothing" that could link him to the robbery.

While Edwards testified that there was a third person in her car and that appellant was not involved in the robbery, the jury was entitled to disbelieve her testimony. It could have taken the variance in her story as an attempt to mislead the detective into suspecting that the third person was the perpetrator instead of appellant. Despite claiming that there was a third person, Edward did not provide any details, such as the person's name or contact information.

Viewing the evidence in the light most favorable to the prosecution and giving deference to the jury's findings, we conclude that the chain of circumstantial evidence was sufficient for the jury to conclude that appellant was the gunman. Accordingly, we affirm appellant's convictions.

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