Circuit Court for Wicomico County
Case No. C-22-JV-21-000058

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND**

No. 1936

September Term, 2021

IN RE: C.P.

Ripken,
Tang,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: July 21, 2023

*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).

**At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

The State of Maryland charged Appellant, C.P.,[1] with fourth degree burglary, malicious burning of property, and malicious destruction of property. Following an adjudication hearing, the Circuit Court for Wicomico County, sitting as a juvenile court, found C.P. involved as to all counts. Having found C.P. to be a delinquent child, the court released him on GPS monitoring amounting to supervised probation. C.P. now appeals to this Court, seeking reversal of the court's findings.

C.P. presents the following issue for our review: whether the evidence was legally sufficient to sustain the court's finding of involvement as to all counts.[2] For the reasons to follow, we shall affirm the court's judgments as to the fourth degree burglary and malicious destruction of property charges and reverse as to the malicious burning of property charge.

FACTUAL AND PROCEDURAL BACKGROUND

In June of 2021, Mr. M. and Ms. H.[3] lived with two of Ms. H.'s children at a home in Wicomico County. Mr. M. and Ms. H. had a recreational vehicle ("RV") parked in the fenced area behind the home. On June 8, Ms. H. found C.P. inside the RV without permission to be there. At an adjudicatory hearing in August of 2021, Mr. M. testified that,

[1] To protect their privacy, all minors, including Appellant, will be referred to in this opinion by their initials.

[2] Consolidated and rephrased from:

1. Did the court err in concluding that an RV camper is a storehouse?
2. Was the evidence sufficient to sustain C.P.'s findings of involvement for malicious burning and malicious destruction of property?

[3] We adopt the manner in which Mr. M. and Ms. H. are referenced in both parties' briefs.

while there was a "bed"[4] inside the "fully loaded" RV, no one was to be living in the RV at that time. Mr. M. indicated that he "keep[s] it locked up" and that he "[had not] been [inside] in a while" prior to the alleged breaking and entering. Prior to August of 2019, Ms. H.'s eldest son slept in the RV at an off-premise location. Ms. H. testified that the RV has "plumbing," including a sink and toilet, but that it has not had running water since her son moved out and they relocated the RV to their property. According to Ms. H., the RV had been parked on their property since August of 2019, and it had not been in use since.

C.P. is a friend of another of Ms. H.'s children, J.H., and the two attend Mardela High School together. C.P. testified that, after school on June 7, he went to J.H.'s house to play video games with him. Later that day, C.P. decided "it was too late for [him] to go home" because he did not want to get in trouble. According to C.P., J.H. told C.P. that he could stay in the RV. C.P. denied that he broke into and caused destruction to the RV. Rather, C.P. testified that J.H. "opened the door from within" and that, when he entered the RV, he "saw a broken step underneath of the couch" and "a line going down the wall."

On June 8, having been informed by C.P.'s mother that C.P. had not returned home the night before, Ms. H. began to look for C.P. Ms. H. testified that she had decided to look for C.P. in the RV based on "a hunch" that he was "somewhere close by." Ms. H. and Mr. M. have the only keys to the RV, and Ms. H. specified that she used her key to enter the RV that day. According to Ms. H., when she unlocked the door, "[C.P.] jumped up off the couch[] and said, I'm sorry, I'm sorry." Ms. H. notified C.P.'s mother that she found him

[4] We note that, while Mr. M. stated that the RV has a "bed in it," Ms. H. referred to the piece of furniture as a "couch" that "can be folded to make a bed."

and took him home.

After Ms. H. took C.P. home, she went back into the RV and noticed that approximately four feet of the wood under the couch "was all busted out." Ms. H. testified that C.P. had told her that he entered the RV through the "storage compartment door" that goes under the couch. In addition to the damaged wood panels, Ms. H. saw a lighter on the couch and also observed that "one of the blinds and up the wall had been burnt[.]" Ms. H. testified that the damage to the RV had not been there when she last went inside, two weeks prior.

Deputy Howard Bowden, who was dispatched to Mr. M. and Ms. H.'s address "in reference to a burglary," corroborated Ms. H.'s testimony regarding the damage to the RV.[5] However, on cross examination, Deputy Bowden conceded that Ms. H. "didn't tell [him] that [C.P.] admitted to her how he entered the camper," explaining that he "[w]ould have put it in [his] report" if Ms. H. had mentioned such information. In addition to noting the damage to the RV's interior, Deputy Bowden testified that he observed a Mardela High School baseball hat near the "small access door near the front of the [RV] . . . that leads to the underneath of the camper[.]" When questioned about the hat, C.P. implied that the hat did not belong to him, testifying that J.H. had "got[ten] it from a friend[.]" C.P. further testified that he does not wear hats due to a "sensitivity" that "makes [his] head itch."

The juvenile court made the following findings at the hearing's conclusion:

[5] Deputy Bowden testified that he "observed that the wooden floor underneath the couch was destroyed[,] leaving a pretty sizable hole in the camper floor." He noted a "burn mark near the couch on the wall" as well, which he opined to be approximately three inches in length.

> I find that the RV, as it was used by the parties in this case by [Ms. H.] and [Mr. M.], that the RV was simply used off premises and was [parked] in their fenced-in back yard and had been there since August of 2019, not used. There was no water hookup. It wasn't used as a residence. For all intents and purposes, it seems . . . to have been used as a storehouse. Therefore, an individual, if they are found to have entered without permission, they could, thereby, commit a burglary in the fourth degree.
>
> I want to take the hat issue. So it has been argued that [C.P.] testified that the Mardela High School hat could not have been worn by [C.P.] because he had a sensitivity to wearing the hat. However, he said, and it's implied through the totality of what he said that he did wear hats before. And . . . it was not established when he stopped wearing hats. He very well could have stopped wearing hats the day he left the Mardela hat outside of the RV.
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> ***
>
> I find that [Ms. H.] was entirely credible in everything that she said. I find that [C.P.]—. . . I just have a hard time believing that aspect of this case.
>
> I believe that door was locked. I believe that [Ms. H.] used the keys to get inside. And I believe that [C.P.] used the access panel to sneak into the RV, bust through the—the wood that was basically keeping him from getting into the RV and doing the damage.
>
> I also find that in close temporal proximity to the incident in question—I mean, [C.P.] [was] present at the scene of the crime. And presence isn't enough, alone, but it is a factor to be considered. He says, I'm sorry when he's first encountered by [Ms. H.]
>
> And for all of those reasons, the totality of the circumstantial evidence that has been produced in this case, indicate to me that the State has proven beyond a reasonable doubt that [C.P.] committed burglary in the fourth degree, malicious burning, and the malicious destruction of property. So all three counts, I find him involved, and that all of the allegations of the State's Petition have been proven beyond a reasonable doubt.

Additional facts will be provided herein as they become relevant.

DISCUSSION

When reviewing evidentiary sufficiency, this Court applies the same standard of

review in juvenile delinquency cases as it does in criminal cases. *In re Antoine H.*, 319 Md. 101, 107–08 (1990). The relevant 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." *In re James R.*, 220 Md. App. 132, 137 (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). In delinquency cases, it is not the essential elements of the crime that must be proven beyond a reasonable doubt but, rather, "the allegations in the petition that the child committed a delinquent act." Md. Code, Cts. & Jud. Proc. ("CJP") § 3-8A-18(c)(1). "Delinquent act" is defined as "an act which would be a crime if committed by an adult." CJP § 3-8A-01(l).

Notably, "[j]udging the weight of evidence and the credibility of witnesses and resolving conflicts in the evidence are matters entrusted to the sound discretion of the trier of fact." *In re Timothy F.*, 343 Md. 371, 379 (1996). As such, "[a]bsent clear error, an appellate court will not set aside the judgment of the trial court." *In re James R.*, 220 Md. at 138 (quoting *Matter of Tyrek S.*, 118 Md. App. 270, 273 (1997)); *see also* Md. Rule 8-131(c) ("When an action has been tried without a jury, an appellate court . . . will not set aside the judgment of the trial court on the evidence unless clearly erroneous[.]").

I. ANALYSIS

C.P. contends that the juvenile court erred in concluding that the RV was a "storehouse" under section 6-205(b) of the Criminal Law Article ("CL") and that the evidence was insufficient to establish that he committed malicious burning and destruction

of property under sections 6-105(b) and 6-301(a), respectively.[6] C.P. thus avers that reversal of his convictions is warranted. We address the sufficiency of the evidence to support the court's findings as to each count, in turn.

A. The Evidence Was Legally Sufficient to Establish the RV Was a Storehouse.

C.P. argues that the court erred in finding that the RV was a storehouse under section 6-205(b). Instead, C.P. posits that the RV constituted a dwelling and, accordingly, the State failed to prove all elements of the fourth degree burglary offense: breaking and entering the storehouse of another. CL § 6-205(b). The State disagrees, arguing that, because courts have given "storehouse" an "expansive definition" that encompasses "all buildings other than dwelling houses," *Bane v. State*, 327 Md. 305, 312 (1992), the court could reasonably conclude that the RV was being used as a storehouse and not a dwelling. We agree.

The crime of fourth degree burglary prohibits, in relevant part, a person from "break[ing] and enter[ing] the storehouse of another." CL § 6-205(b). "'Storehouse' retains its judicially determined meaning" and includes:

> (i) a building or other construction, or a watercraft;
> (ii) a barn, stable, pier, wharf, and any facility attached to a pier or wharf;
> (iii) a storeroom or public building; and
> (iv) a trailer, aircraft, vessel, or railroad car.

[6] CL section 6-205 was previously codified at Article 27, section 32 of the Maryland Code. *See* Md. Code, Art. 27 § 32 (repealed 2002). Similarly, CL section 6-201(h), defining "storehouse," was previously codified at Article 27, section 28. *See id.* § 28(e). As such, any discussion of the term "storehouse" in cases prior to 2002 cite to the repealed statutes. Because the current statutory provisions are substantively similar to those repealed, we do not distinguish between cases citing to the prior code and those citing to the current code for the purpose of this opinion. *See* 2002 Sess., H.B. 11, Enacted Bill (available at https://mgaleg.maryland.gov/2002rs/bills/hb/hb0011t.PDF) (noting all relevant subsections consist of "new language derived without substantive change from former Art. 27").

CL § 6-201(h). We are tasked with determining whether an RV left unoccupied for two years, disconnected from running water, constitutes a "storehouse" under the term's judicially determined definition.

This Court has held that the term storehouse "cover[s] all buildings other than dwelling houses." *Sizemore v. State*, 10 Md. App. 682, 686 (1971) (finding that a church was a storehouse within the contemplated statutory definition); *see also Springfield v. State*, 238 Md. 611, 612 (1965) (per curiam) (schoolhouse); *Hackley v. State*, 237 Md. 566 (1965) (movie theater); *McLaughlin v. State*, 234 Md. 555, 557 (1964) (bowling alley); *Martin v. State*, 203 Md. 66, 75 (1953) (factory); *Buckley v. State*, 2 Md. App. 508, 511 (1967) (per curiam) (fraternity house used for "meeting[s] and recreation[]"); *Bane v. State*, 327 Md. 305, 312–13 (1992) (citing additional cases that recognize buildings as storehouses).

It logically follows that, to determine whether a building or structure constitutes a storehouse, one must determine whether it is or is *not* a dwelling. In the context of the statutes prohibiting burglary and related crimes, "'[d]welling' retains its judicially determined meaning[.]" CL § 6-201(e).[7] We therefore look to common law to decipher the term's meaning. *See McKenzie v. State*, 407 Md. 120, 126 (2008) ("[I]f a term such as 'dwelling house' is not otherwise defined by statute, the common law meaning is assumed to be intended." (quoting *Richmond v. State*, 326 Md. 257, 624 n.4 (1992)).

[7] Relatedly, under the Arson and Burning subtitle, "dwelling" is defined as "a structure any part of which has been adapted for overnight accommodation of an individual, regardless of whether an individual is actually present." CL § 6-101(b)(1).

The building or structure's use or purpose at the time of the alleged breaking and entering is instructive in determining whether it is a dwelling. *See Kanaras v. State*, 54 Md. App. 568, 586 (1983) ("[T]he crucial factor in determining whether a particular enclosure is a dwelling house is not whether the location is a formal traditional mortar and brick type of structure, but rather whether it is a place intended to be used, and in fact is used, as an abode and place for humans to sleep."). In *McKenzie*, the Supreme Court of Maryland (at the time named the Court of Appeals of Maryland)[8] explained that "Maryland's statutes prohibiting burglary of the 'dwelling of another,' are crimes against habitation" in that they "focus[] not on ownership, but on occupancy." 407 Md. at 127. Consequently, to constitute a dwelling, "the place must be of human habitation, . . . that is, a 'place to sleep in[.]'" *Id.* (first citing WAYNE R. LAFAVE & AUSTIN W. SCOTT, SUBSTANTIVE CRIMINAL LAW § 8.13(c) at 469 (1986); and then citing ROLLIN M. PERKINS & RONALD N. BOYCE, CRIMINAL LAW, ch. 3 § 1 at 256 (3 ed. 1982)); *see also Poff v. State*, 4 Md. App. 186, 189 (1968) ("The test as to whether or not a building is a 'dwelling house' is whether or not it is used regularly as a place to sleep."), *overruled on other grounds by McKenzie*, 407 Md. at 136.[9]

The issue of whether a motor home constitutes a dwelling house "is a matter that must be determined as one of fact on a case by case basis," specifically, whether the facts

[8] At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022.

[9] "[W]e have no quarrel with the *Poff* court's description of a dwelling as a place 'used regularly as a place to sleep.'" *Mckenzie*, 407 Md. at 133.

show that the motor home is "actually used as [a] dwelling[]." *Kanaras*, 54 Md. App. at 582, 587.[10] In *Kanaras*, the interior of the motor home at issue "contained a kitchen, sleeping and dining area, and . . . was stationary and connected for electrical and sanitary conveniences." *Id.* at 585. Additionally, in *Kanaras*, there was an individual actively sleeping in the motor home at the time of the breaking and entering. *Id.* at 585–86. The Court thus held that a rational trier of fact could have found that the motor home "was as much a dwelling house for purposes of the statute as if it were constructed of brick and mortar." *Id.* at 587.

Additionally, this Court has distinguished between "a temporarily unoccupied building that is in fact regularly used as a dwelling" and "a building which has been abandoned as a dwelling." *Marston v. State*, 9 Md. App. 360, 364 (1970); *see also Wallace v. State*, 63 Md. App. 399, 407 (1985) (distinguishing a "temporarily unoccupied dwelling house" as "a proper subject of burglary" from a building "which, although at times used as a dwelling, has at the time of the breaking been abandoned by its occupants" as an improper subject of burglary). In *McKenzie*, the Court held that an "unoccupied apartment that is between rentals, but is suitable for occupancy, is a 'dwelling' for purpose of statutory burglary." 407 Md. at 135. The Court reasoned that, although unoccupied, there remains a "substantial likelihood that people will be returning to inhabit the rental at any given time[.]" *Id.* (quoting *New Jersey v. Scott*, 776 A.2d 810, 815 (N.J. 2001)). Similarly, in *Hobby v. State*, 436 Md. 526 (2014), the Court found that a home left vacant for eight

[10] As the *Kanaras* Court outlined, numerous decisions from other jurisdictions support this proposition. *See Kanaras*, 54. Md. at 582–84.

months was, nonetheless, a dwelling for purposes of first degree burglary because the home remained "intact and suitable for occupancy," as evidenced by the perpetrators' ability to reside in the home for seven months. *Id.* at 557.

Conversely, in *Buckley*, this Court held that a building that was "originally designed as a dwelling" was a storehouse[11] for purpose of statutory burglary, rather than a dwelling, because "at the time of the alleged breaking[,] [the building] was being used exclusively as a meeting and recreational facility" rather than a place for sleeping. 2 Md. App. at 511. Therefore, although a "structure does not lose its character as a dwelling simply because it is left vacant for a time," a structure *may* lose its character as a dwelling when it is no longer a place "suitable for occupancy." *Hobby*, 436 Md. at 555–57.

We conclude that there was sufficient evidence for the court to determine that the RV was a storehouse and not a dwelling. The *Kanaras* Court was careful to limit its holding to the unique facts of that case, plainly stating, "[W]e might reach a different result had the [motor home] not been connected to health conveniences and were simply parked on a street rather than a campsite." 54 Md. App. at 586. Unlike in *Kanaras*, no one was actively living in the RV when C.P. broke in. To the contrary, no one had lived in the RV in the

[11] Although *Buckley* uses the term "warehouse", the case law indicates that the terms have been used interchangeably for purposes of the statute prohibiting the breaking and entering of non-dwelling structures. *See, e.g.*, *Martin*, 203 Md. at 75 (finding that the "building which the appellant [was] presumed to have intended to enter" was covered by "the terms 'warehouse' and 'storehouse'"); *Kanaras*, 54 Md. App. at 586 (generally categorizing "structures other than dwelling houses" as "storehouse[s]"); *see also Bane*, 327 Md. at 318 n.6 ("Article 27, § 32 makes it a crime 'to break a *storehouse*, filling station, garage, trailer, cabinet, diner, *warehouse*, or other outhouse . . ..'" (emphasis added) (quoting Md. Code, Art. 27 § 32 (repealed 2002))).

two years preceding the adjudication hearing. The RV had no running water, which is integral to any structure's ability to accommodate human habitation. In fact, Ms. H. testified that they had moved the RV to their backyard once they no longer had any use for it as a dwelling.

Therefore, under such circumstances, we conclude the RV could reasonably be considered a storehouse for purpose of fourth degree burglary.

B. The Evidence Was Sufficient to Establish C.P. Committed Malicious Destruction of Property.

C.P. next argues that the evidence at the adjudicatory hearing failed to establish that he caused the damage to the RV, even when viewing the evidence in the light most favorable to the prosecution. In support, C.P. emphasizes that there were "large periods of time in which neither [Mr. M. nor Ms. H.] checked the inside of the RV" and that "no one saw C.P. actually damage the R.V." The State responds that there was sufficient circumstantial evidence presented to support the court's finding that C.P. was involved in malicious destruction of the RV. We agree with the State's argument as it pertains to the malicious destruction of property conviction.

The offense of malicious destruction of property prohibits a person from "willfully and maliciously destroy[ing], injur[ing], or defac[ing] the real or personal property of another." CL § 6-301(a). Common law recognizes the offense as a specific intent crime, "requir[ing] both a deliberate intention to injure the property of another and malice." *Marquardt v. State*, 164 Md. App. 95, 152 (2005) (quoting *Shell v. State*, 307 Md. 46, 68 (1986)), *overruled in part on other grounds by Kazadi v. State*, 467 Md. 1 (2020). "In other

words, it is not sufficient that the defendant merely intended to do the act which led to the damage to property; it is necessary that the defendant actually intended to cause the harm to the property of another." *In re Taka C.*, 331 Md. 80, 84 (1993) (per curiam); *see also* CL § 6-101(e), (c) (defining "willfully" as "acting intentionally, knowingly, and purposely," and "maliciously" as "acting with intent to harm a person or property").

As with a criminal conviction, a finding of involvement in a delinquent act "may be based on circumstantial evidence alone." *Jensen v. State*, 127 Md. App. 103, 117 (1999); *see also In re Daniel S.*, 103 Md. App. 282, 287, 290 (1995) (citing *Wilson v. State*, 319 Md. 530, 536 (1990) (sufficient circumstantial evidence to find juvenile appellants involved in delinquent conspiracy to commit malicious destruction of property and theft). In the present case, there was sufficient evidence to support a finding that C.P. intended to cause damage to the RV by breaking and entering. It was undisputed that C.P. was found inside of the RV. As to how C.P. gained entry, the circuit court found Ms. H. to be "entirely credible in everything that she said," including her statements that C.P. had told her how he had entered the RV. *See Longshore v. State*, 399 Md. 486, 499 (2007) ("[T]he fact finder has the discretion to decide which evidence to credit and which to reject." (citing *State v. Stanley*, 351 Md. 733, 750 (1998))). In crediting Ms. H.'s testimony, the court found that the RV was kept locked, that only Ms. H. and Mr. M. had access to keys to unlock the RV, that Ms. H. utilized her key to open the RV on the day C.P. was found inside. Therefore, the court concluded that C.P. "used the access panel to sneak into the RV" and "bust[ed] through . . . the wood that was basically keeping him from getting into the RV."

This Court's decision in *Brown v. State*, 50 Md. App. 651 (1982), is illustrative. In

Brown, the Court found that there was sufficient evidence to support the appellants' convictions for malicious destruction of property where the record showed that they had broken a gas station window to gain entry in an attempted burglary. *Id.* at 654–55. By intending to break the window to gain entry, the court found a specific intent to cause destruction to the property. *Id.* Conversely, in *In re Taka C.*, our Supreme Court reversed a juvenile's conviction for malicious destruction of property where there was insufficient evidence to support a finding that the juvenile had the specific intent to cause the alleged harm. 331 Md. at 85. The Court found that, although the evidence showed that the juvenile intended to sled down a hill toward the side of a building—"the act which caused the damage"—there was insufficient evidence to support a finding that the juvenile "hit the building, specifically intending to damage it." *Id.*

Here, as in *Brown*, there was sufficient circumstantial evidence for the circuit court to find that C.P. intended to break into the RV to gain access to the interior through the "storage compartment door" and, in doing so, intended to cause damage to the RV. Therefore, we conclude that a "rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt," and we affirm the conviction. *Derr v. State*, 434 Md. 88, 129 (2013) (quoting *Jackson*, 443 U.S. at 319).

C. The Evidence Was Legally Insufficient to Establish C.P. Committed Malicious Burning of Property.

Although we affirm the malicious destruction of property conviction, we conclude that the evidence was insufficient to support the malicious burning of property conviction. Both C.P. and the State address these offenses collectively; however, they are distinct

offenses that require independent review. As we explain, although the evidence was suggestive of such, we conclude it was too attenuated to support a finding that C.P. had the requisite specific intent to burn the RV's interior beyond a reasonable doubt.

Section 6-105 prohibits a person from "willfully and maliciously set[ting] fire to or burn[ing] the personal property of another." CL § 6-105(b). Like malicious destruction of property, discussed *supra*, the offense of malicious burning of property is a specific intent crime. *See, e.g.*, *Hughes v. State*, 6 Md. App. 389, 393 (1969) ("To establish [the elements] of the statutory crime of willfully and maliciously burning a storehouse, it must be shown that the fire did occur and that it was willfully and maliciously set."). That is, there must be sufficient evidence to find that the alleged perpetrator actually intended to cause harm to the property of another by burning. *Id.* at 394 ("[T]he burden is on the State to show that the burning was with a criminal design[.]").

Notwithstanding, this Court has recognized that "the clandestine nature of arson ordinarily necessitates that malice be proved by circumstantial evidence" and that "[s]uch proof may take many forms." *Brown v. State*, 39 Md. App. 497, 508–09 (1978). The *Hughes* Court provides a non-exhaustive list of circumstantial evidence that may be sufficient to prove malice in arson and burning cases:

> Incendiarism may be shown by the manner in which the fire was burned, by the presence of an odor of flammable liquid, by the fact that combustible materials or flammable liquids or their containers were found on the burned premises, by demonstrating the improbability that the fire had resulted from accidental or natural causes, by evidence of threats to destroy the property, by the isolation of the premises, by the absence of any natural cause for the fire, by the precautions taken to avoid a fire, or other facts of similar import tending to show that the fire had an incendiary origin.

6 Md. App. at 394.

Applying these principles to the facts in this case, we cannot say that C.P. "willfully and maliciously set fire to or burn[ed]" the RV's interior. Here, the evidence shows that C.P. broke into the RV, which caused damage to the wood paneling below the couch, that C.P. said "I'm sorry" when Ms. H. opened the RV door, that Ms. H. later found a lighter inside the RV, and that Ms. H. and Deputy Bowden observed burn marks on the wall near the couch. However, even if the court found sufficient circumstantial evidence to conclude that C.P. was responsible for bringing the lighter into the RV and that he intended to ignite the lighter to produce a flame, nowhere does the record show that C.P. actually intended to cause damage to the RV's interior by igniting the lighter.

As such, the evidence was insufficient to support the specific intent element of the offense. We reverse as to Count 2, malicious burning of property.

JUDGMENTS OF THE CIRCUIT COURT FOR WICOMICO COUNTY AFFIRMED IN PART AND REVERSED IN PART. COSTS TO BE PAID TWO-THIRDS BY APPELLANT AND ONE-THIRD BY WICOMICO COUNTY.

The correction notice(s) for this opinion(s) can be found here:

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