

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0955

September Term, 2014

IN RE: JAI M.

Meredith,
Berger,
Davis, Arrie W.
(Retired, Specially Assigned),

JJ.

Opinion by Meredith, J.

Filed: August 21, 2015

* 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.

After an adjudication, the Circuit Court for Prince George’s County, sitting as a juvenile court, found Jai M., appellant, “involved” in the delinquent acts of robbery with a dangerous weapon, robbery, second degree assault, and theft of less than \$1000. Appellant was committed to “Level B” placement.

A timely appeal was filed in which appellant presents one question for our review: “Is the evidence sufficient to support the court’s finding that Jai M. committed the delinquent acts?” For the reasons explained herein, we conclude that the evidence was sufficient, and affirm the judgments of the circuit court.

BACKGROUND

On April 3, 2014, Bryan A.C., a student at Duval High School in Prince George’s County, was robbed of his “Air Jordan 11’s Gamma Blues” shoes (which had been purchased for \$185). The circumstances were described as follows at the adjudicatory hearing.

Approximately three weeks prior to the robbery, Bryan had been followed home by three individuals wearing ski masks, one of whom had dreadlocks coming out of the ski mask. Bryan explained that, “when they were following me I felt as if you know, they were chasing me like they wanted something from me.” When Bryan walked into his apartment building, he noticed that the masked individuals “looked towards the door as if looking around. Looking for something.”

Bryan did not wear the shoes to school again for three weeks because, he testified, one of his friends had warned him “not to wear the shoes again” because “they were trying to steal my shoes.”

At the adjudicatory hearing, Bryan described the robbery, which occurred as he entered his apartment building after getting off the bus on his way home from school on April 3, 2014:

. . . One [sic] I step inside my door, the glass door, I see a guy sitting in the stairs that goes up. I walk in, he gets up and points out a gun at me. Takes out a gun and says give me your shoes and there was also a guy waiting down the stairs, because I live downstairs, he was waiting there and he blocks my way and the guy that pointed the gun was wearing a ski mask, blue Helly Hanson jacket and he, you could see his dreads coming out of the mask. And I, I told him, I was like put the gun away and he said, he said no, give me your shoes. And that's when the guy waiting down the stairs, he sort of pushed me and grabbed my feet, both of, one, the right one first. Took my shoe and then took the left one. They ran through the back[;] before going[,] he said, the guy with the dreads said don't say nothing because we know where you live as he pointed to my apartment door.

After the robbery, Bryan called the police and a report was filed. In addition to reporting that the gun-wielding assailant had dreadlocks and was wearing a Helly Hanson jacket, Bryan described that assailant as “very skinny,” and Bryan could see through the opening of the ski mask that he was “brown skinned.”

At school on the Monday following the robbery, Bryan observed appellant wearing the shoes that were taken from him. Bryan testified as follows:

Once I got to school I'm walking in the (indiscernible [sic]) hallways and I see the guy, I see [appellant]. He was with his friend and he tapped on his [friend's] shoulder and looked at me and said, [sic] and went like that, pointing at me with his head. And that's when he gave me a smile. He laughed and then he left and while he was walking away he looked at me and started smiling. I looked at his jacket, the same blue jacket, Helly Hanson jacket. I look at the shoes, you could see it was my shoes, I noticed the creases. I noticed everything. He walked and smiled.

Bryan went to the school security office and reported “everything that had happened” to Officer Mitchell Gilliam, the school resource officer. Officer Gilliam brought appellant to the security office and called the Prince George’s County Police.

Detective Donnell Thomas of the Prince George’s County Police, who was assigned to the investigation of the April 3rd robbery, responded to the call. He met with Bryan and appellant at the school. Appellant was transported to the police station, where he was asked to waive his rights, and he gave a statement, but, because appellant’s counsel challenged the sufficiency of the waiver, the juvenile court granted appellant’s motion to suppress the statement.

At the adjudicatory hearing, Bryan identified appellant as the person that was wearing his shoes at school the Monday after the robbery. Bryan also indicated that he had previously seen appellant at school, and had also “seen him in the bus,” where Bryan said he had “seen them talk about robbing people.” Bryan testified that he believed that it was appellant who robbed him because he saw appellant wearing the stolen shoes and the same blue Helly Hanson jacket at school after the robbery, appellant had dreadlocks like the robber did, and because of the way appellant reacted when they saw each other after the robbery and appellant “walked away, looking at me backwards with a grin, a fake smile.”

DISCUSSION

Appellant argues that the adjudications of delinquency for robbery and assault must be reversed because the evidence was insufficient to prove that it was appellant who committed the robbery and assault of Bryan. (Appellant is not challenging the adjudication

of involvement in the delinquent act of theft.) The State responds that the juvenile court’s conclusion that appellant was involved in the delinquent act of robbery with a deadly weapon was supported by sufficient circumstantial evidence, coupled with the in-court identification of the appellant by Bryan. We agree with the State.

The Court of Appeals has explained the standard of review in juvenile delinquency cases as follows:

In a criminal case, the appropriate inquiry is not whether the reviewing court believes that the evidence establishes guilt beyond a reasonable doubt, but rather, whether after reviewing 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.

We have applied the same standard of review in juvenile delinquency cases. Consistently, we have held that the judgment of the trial court will not be disturbed unless the trial judge’s findings of fact are clearly erroneous.

In re Anthony W., 388 Md. 251, 261(2005) (citations and quotation marks omitted).

Although Bryan could not see the face of the person who robbed him (because of the mask the assailant was wearing), there was sufficient circumstantial evidence to support the finding of the juvenile court that the appellant was the individual who participated in the robbery and assault. “‘Circumstantial evidence is entirely sufficient to support a conviction, provided the circumstances support rational inferences from which the trier of fact could be convinced beyond a reasonable doubt of the guilt of the accused.’” *Kyler v. State*, 218 Md. App. 196, 219, *cert. denied*, 441 Md. 62 (2014)(quoting *Johnson v. State*, 154 Md. App, 286, 305, n.6 (2003), *cert. denied*, 380 Md. 618 (2004)).

The evidence before the juvenile court was sufficient to persuade the judge that, three weeks prior to the robbery, Bryan had worn the Air Jordan shoes to school and was followed home by three individuals wearing ski masks, one of whom wore his hair in dreadlocks. Bryan was warned by a friend not to wear the shoes to school again because “they” wanted to rob him of his shoes. On the day of the robbery, the person who pointed the gun at him had dreadlocks and wore a blue Helly Hanson jacket. The next Monday, when Bryan saw appellant at school, Bryan observed that appellant had dreadlocks, was wearing the same blue Helly Hanson jacket as the person who stole the shoes, and was then wearing the shoes that were stolen from Bryan. When appellant saw Bryan at school that Monday, appellant seemed to mock Bryan by pointing him out to a friend and laughing at him. Prior to the robbery, Bryan had seen appellant on the bus with other individuals, and had overheard them talking about robbing people. Viewing this evidence, and all inferences therefrom, in the light most favorable to the State, we conclude that the evidence was sufficient to support the findings of the juvenile court.

**JUDGMENTS OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO BE
PAID BY APPELLANT.**