

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1898

September Term, 2015

MATTHEW EDWARD BELCHER

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: November 1, 2016

*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.

Matthew Edward Belcher, appellant, was convicted of sexual solicitation of a minor following a bench trial in the Circuit Court for Washington County. Belcher contends, on appeal, that the evidence was not sufficient to support his conviction because, he claims, that the request he made to a fourteen-year-old minor, “Would you fuck me?” was only a “hypothetical” question and did not constitute an “explicit and unmistakable solicitation” to engage in a sexual act. 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 Belcher’s conviction. The testimony at trial established that, prior to accompanying the minor victim to an isolated location, a cemetery, and asking him “Would you fuck me?” appellant had: (1) previously spoken with the victim about sexual topics and shown the victim a photograph of a sex toy that he had used; (2) “gloated” to the victim’s mother that he was “educating” the victim in sadomasochism and the “BDSM lifestyle”; and (3) ignored a request by the victim’s mother, made the previous day, that he not talk about sexual topics with the victim or have any further contact with him. Based

on this evidence, the trial court could reasonably find that Belcher solicited the minor victim to have sex with him and that he did not merely ask a hypothetical question. *See generally Jones v. State*, 213 Md. App. 208, 218 (2013) (“In determining a defendant’s intent, the trier of fact can infer the requisite intent from surrounding circumstances such as the accused’s acts, conduct and words.” (Internal quotation marks and citation omitted.)) Moreover, to the extent the facts at trial could have supported the inference urged by appellant, the “finder of fact has the ability to choose among differing inferences that might possibly be made from a factual situation, and we . . . defer to any possible reasonable inferences the [trier of fact] could have drawn from the admitted evidence.” *Titus v. State*, 423 Md. 548, 557-58 (2011) (citation omitted)).

**JUDGMENT OF THE CIRCUIT
COURT FOR WASHINGTON
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT**