

Circuit Court for Washington County  
Case No. 21-K-16-052468

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 0002

September Term, 2018

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ROBERT CURTIS LETTS

v.

STATE OF MARYLAND

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Wright,  
Berger,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 1, 2019

\*This is an unreported opinion and therefore may not be cited either as precedent or as persuasive authority in any paper, brief, motion, or other document filed in this Court or any other Maryland court. Md. Rule 1-104.

Following a bench trial in the Circuit Court for Washington County, Robert Curtis Letts, the appellant, was convicted of a continuing course of conduct against a child arising from a report of sexual abuse made by his stepsister (“S”). The court sentenced him to a term of 30 years, suspend all but 10 years, followed by five years’ supervised probation. On appeal, Mr. Letts challenges the legal sufficiency of the evidence.

The crime of “continuing course of conduct against a child” requires proof that 1) the defendant engaged in “three or more [sexual] acts . . . with a victim who [was] under the age of 14 years *at any time* during the course of conduct[.]” 2) that those acts violated other enumerated statutes in the “Sexual Crimes” subtitle, including rape in the second degree<sup>1</sup> and sexual offense in the third degree,<sup>2</sup> and 3) that the acts occurred “over a period of 90 days or more[.]” Md. Code Ann. (2002, 2012 Repl. Vol.), Crim. Law § 3-315(a) (emphasis added). The trier of fact “must determine only that the required number of acts occurred” and “need not determine which acts constitute the required number of acts.” *Id.* at § 3-315(c).

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<sup>1</sup> A defendant commits rape in the second degree if he engages in vaginal intercourse with a victim who is under the age of 14 and he is more than 4 years older than the victim. Crim. Law § 3-304(a)(3).

<sup>2</sup> A defendant commits a sexual offense in the third degree if he engages in “sexual contact” with a victim who is under age 14 while he is at least four years older than the victim, or if he engages in vaginal intercourse or a “sexual act” with a victim who is age 14 or 15 while he is at least 21 years old. Crim. Law § 3-307(a)(4)&(5). “Sexual contact” includes any “intentional touching of the victim’s or actor’s genital . . . area for sexual arousal or gratification . . . .” Crim. Law § 3-301(f). A “sexual act” includes fellatio. Crim. Law § 3-301(e).

On appellate review of the sufficiency of the evidence to sustain a criminal conviction, we decide “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.” *Hobby v. State*, 436 Md. 526, 537-38 (2014) (quoting *Derr v. State*, 434 Md. 88, 129 (2013), in turn quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)) (emphasis in *Jackson*). “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. *Smith v. State*, 415 Md. 174, 185 (2010).

The evidence adduced at the two-day bench trial, viewed in a light most favorable to the State, showed the following. S resided primarily with her mother in Pennsylvania, but visited her father’s house in Hagerstown every other weekend. Mr. Letts moved into S’s father’s house in the late spring of 2014, when S was 13. While S was 13 years old and Mr. Letts was 21, he had vaginal intercourse with her in his bedroom at S’s father’s house.<sup>3</sup> In the ensuing year, Mr. Letts directed S to engage in sexual acts with him any time they both were present at her father’s house, including vaginal intercourse, fellatio and manual stimulation of his penis.

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<sup>3</sup> Mr. Letts is the son of S’s stepmother.

In September 2014, when S was 13 years old, she asked her mother if she could stop visiting her father's house, resulting in a three-month cessation of visitation. In September 2015, when she was 14 years old, S again asked to stop visits. A month later, S told her mother about the sexual abuse and her mother contacted the police.

The day after she disclosed the abuse to her mother, S was interviewed by a social worker. During that interview, S said that Mr. Letts had a distinctive mole next to his penis. A photograph of Mr. Lett's groin area depicting a mole consistent with S's description was admitted in evidence at trial. During a police interview, Mr. Letts stated that there was no time that he could recall that S would have seen his groin area.

Mr. Letts contends that because of the "numerous substantial inconsistencies" in the State's case, no rational trier of fact could have credited S's testimony that the alleged sexual abuse occurred. He argues, moreover, that there was no reliable evidence establishing that he engaged in any criminal sexual conduct with S while she was under the age of 14. His arguments lack merit. "It is not a proper sufficiency argument to maintain that the [trier of fact] should have placed less weight on the testimony of certain witnesses or should have disbelieved certain witnesses." *Correll v. State*, 215 Md. App. 483, 502 (2013). The court found S to be highly credible based upon its observations of her demeanor during her trial testimony and during her video-recorded interview with the social worker, which was played during the trial. S's testimony plainly satisfied the State's burden to show that Mr. Letts engaged in at least three acts of sexual abuse of S

over a more than 90-day period, at least one of which occurred when she was under age

14. The evidence was legally sufficient to convict Mr. Letts.

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