

Circuit Court for Montgomery County
Case No. 137882C

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 233

September Term, 2021

MARQUELL C. WILLIAMS

v.

STATE OF MARYLAND

Arthur,
Shaw,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 4, 2022

*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.

Convicted by the Circuit Court for Montgomery County of armed robbery, Marquell C. Williams, appellant, presents for our review a single issue: whether the evidence is insufficient to sustain the conviction. For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State called Jose Navarro, who testified that he is a driver for a company known as La Union, which provides taxis to “Latin people.” In the early morning of July 27, 2020, Mr. Navarro was dispatched to a residence at 220 Spring Avenue in Rockville. When Mr. Navarro arrived at the address, three “black” men exited the residence and entered Mr. Navarro’s car. Mr. Navarro testified that two of the men were “dark skinned” and one was lighter-skinned, and that one man appeared to be 22 to 23 years old, the second appeared to be approximately 20 years old, and the third appeared to be approximately 25 years old. The men spoke to Mr. Navarro in English, and did not “[a]t any time . . . speak to [him] in Spanish.” Mr. Navarro recognized one of the men from having “picked up him previously.”

The men told Mr. Navarro to drive to Montgomery Village. When Mr. Navarro “dropped off the first one at Montgomery Village,” Mr. Navarro “ask[ed] to be paid,” but the man stated that “the two guys are going to pay.” The other two men then told Mr. Navarro “to take them to . . . the metro station in Rockville.” As Mr. Navarro “was getting closer to the station,” the men stated, “we’re not going to the station,” and told Mr. Navarro to “go [to] 355 North.” As Mr. Navarro “continued driving,” he asked one of the men: “[W]here are you going? Give me a number.” The man “only said [to] continue driving.” When the man told Mr. Navarro to “turn left,” Mr. Navarro told him: “[T]his fare is going

to cost you money because you keep me driving from one place to another.” The man replied: “[D]on’t worry about it. I have the money to pay.”

Mr. Navarro “continued driving through the houses” and “cross[ed] another bridge.” One of the men then told Mr. Navarro to “turn right.” Mr. Navarro turned right and entered “some townhouses,” where “the street ended.” When Mr. Navarro told the men that “the fare is \$60,” the man “who was on the left side” of the car “gestured that he was taking money out of his pocket,” but stated: “I don’t know where is my money.” The man then “leaned forward holding [on] to [Mr. Navarro’s] seat, . . . and . . . took the money that was in [the] console.” Mr. Navarro estimated the amount of money at “[b]etween 300 and 400.” The man then grabbed Mr. Navarro’s iPhone 11, “start[ed] arguing, [and] got out of the car.” The other passenger also exited the car.

Mr. Navarro exited the car and told the man holding the phone to return it, but the man refused. When Mr. Navarro “put [his] arm in front of him . . . to grab [the] phone,” the man “pulled [Mr. Navarro’s] bracelet and took it.” When “the other guy” saw that Mr. Navarro and the first man “were arguing strongly” and “raising [their] voices, he came and grabbed the phone from the [first] guy.” As Mr. Navarro and the first man “continued chatting” and “yelling,” the man asked Mr. Navarro, “do you want to lose your life,” and “pulled out a gun.” The man said: “I have your phone, and I have your money. If you want to go[.]” The “other guy” also “said go.” Mr. Navarro re-entered his car, and the men “took off running, each one in an opposite direction.” Mr. Navarro then went to a 7-Eleven and called police. Mr. Navarro subsequently bought a different phone, but when he entered his “Cloud account,” he “saw some videos of some people smoking marijuana[.]”

and some pictures.” In one of the pictures, Mr. Navarro recognized the person “who took [his] phone.”

During Mr. Navarro’s testimony, the State submitted into evidence records of Apple Inc. pertaining to Mr. Navarro’s account. The records reflect that commencing on August 6, 2020, there was activity on the account associated with the name “Rodjuan Williams,” an e-mail address of “williamsrodjuan@gmail.com,” and a street address of “12128 Skylark Rd[.]” Mr. Navarro testified that he did not recognize the name, e-mail address, or street address. Following Mr. Navarro’s testimony, the State produced evidence that Rodjuan Williams (“Rodjuan”) is Mr. Williams’s brother, and at the time of Mr. Williams’s arrest, he and Rodjuan lived at 12128 Skylark Road in Clarksburg.

The State also called Roger Proverbs, who testified that he is a driver for a taxi company known as Barwood. In the early morning hours of July 27, 2020, Mr. Proverbs was dispatched to the Lincoln Park Community Center. When Mr. Proverbs arrived at the center, “[n]o one was there,” so he “called the telephone number” of the person “who was calling the fare.” The person who “answered the phone” stated that “[t]hey will be there in a few minutes, or five minutes, or something.” When Mr. Proverbs stated that he was “not sticking around,” he heard a voice “in the background” state that “they were going to call another cab.” Mr. Proverbs then departed, because he “felt unsafe.”

The State next called Teonte Lynn, who testified that in July 2020, he was living at 220 Spring Avenue in Rockville. In the “late hours” of July 26 or “early hours” of July 27, Mr. Lynn “got a message from either” Teryell Pitter or Mr. Williams “asking . . . to get a taxi so they could go home.” When Mr. Pitter and Mr. Williams arrived at Mr. Lynn’s

home, Mr. Williams asked to use Mr. Lynn’s phone to order a taxi. Mr. Williams contacted multiple cab companies, including Barwood and La Union. When the taxi arrived, Mr. Pitter and Mr. Williams left “out of the back door.” During a subsequent interview with police, Mr. Lynn stated that Mr. Williams used Mr. Lynn’s phone because Mr. Williams’s phone “didn’t have service” and Mr. Williams “didn’t have [an] iPhone.” When asked whether Mr. Williams “know[s] Spanish,” Mr. Lynn testified, “[n]ot that I know of,” but Mr. Williams “knows how to ask for rides in Spanish.” Mr. Lynn further testified that he knew Mr. Williams to be a “rapper” on “social media.” In a still photograph from a “rap video” called “Big Trilla,” Mr. Lynn recognized Rodjuan and Mr. Pitter.

The State subsequently submitted evidence that at 5:17 p.m. on July 27, 2020, a message was posted on Mr. Williams’s Instagram account that stated: “Who got a 8 plus screen?” The State also submitted records of messages sent and received by the account, which reflect that on July 21-22, 2020, Mr. Williams contacted four accounts, including one known as “themusiccinema,” to “lock in a shoot.” Another account, known as “4qkpz,” replied that a video shoot would cost from \$500 to over \$700. On July 28, 2020, Mr. Williams sent to “themusiccinema” a message that stated: “[A]ye u still got them spots open? If so I’m ready lock in bro.” Mr. Williams was subsequently instructed to “send [a] deposit.”

Following the close of the State’s case, Mr. Williams called Mr. Pitter, who testified that when Mr. Navarro arrived at Mr. Lynn’s residence, only Mr. Pitter and Mr. Williams entered Mr. Navarro’s car. When “the cab stop[ped] at Montgomery Village,” Mr. Williams “got out and [Mr. Pitter] insisted [that he] was going to pay for [Mr. Williams’s]

ride.” After the “cab driver” and Mr. Pitter “drove off,” Mr. Pitter “ended up taking [a phone] from the cab driver.” Mr. Pitter testified that he did not “discuss robbing the cab driver prior to the moment he did it with anybody,” and “ended up selling” the phone to someone other than Mr. Williams. During cross-examination, Mr. Pitter admitted that he gave the phone to Mr. Williams’s brother, because “[h]e needed a phone.”

Mr. Williams also called Jacqueline Pearson, who testified that she is “the mother of [Mr. Williams’s] best friend[’s] brother,” and lives in Montgomery Village. Ms. Pearson stated that Mr. Williams “spent pretty much the whole summer [of 2020] at [her] house,” and her “rules were[,] in my house by 1 o’clock,” and “no in and out.” Because Mr. Williams and his brother “didn’t have cars,” they would get to Ms. Pearson’s house “either [by] bus, taxi, [or] a ride.”

Following the close of the evidence, the State asked the court to convict Mr. Williams of armed robbery pursuant to “accomplice liability.” Convicting Mr. Williams of the offense, the court stated, in pertinent part:

Now, Mr. Pitter testifies, the defense witness, saying he did everything by himself, and he was alone. Looks like Mr. Lynn said there was only two people over at his house. The [c]ourt does not credit either one of those testimonies. There’s no reason the victim in this case would make up a third person. It just defies logic. He had nothing to gain when he’s reporting the robbery, moments later.

* * *

Now, the issue becomes putting whether or not this defendant is that other person. And there’s no doubt that he’s together with Mr. Pitter prior to him ordering a cab, and ordering the . . . cab in this case. And so he clearly is with him, together, on that strange usage of denying a cab ride from a regularly accessible one, especially when he’s late for a curfew, and passing it up for a Spanish one.

And then later, . . . he’s asking, does anybody have a new phone, immediately the next day, or later, having videos put on, from the phone records. Or telling people to DM him again. Why would that be, unless he’s using a different phone?

And as the State points out, all of a sudden, he does have money available the next day, that he apparently didn’t have the day before. Didn’t indicate that he was dealing with money before, but he does the next day. And again, his brother signing in, apparently, . . . in the Apple records.

I think this is all circumstantial evidence, but pretty strong, that he was in conjunction of activity with Mr. Pitter from the get-go, and that he was that second person. Matched the description, and was that accessory.

Mr. Williams contends that the evidence is insufficient to sustain the conviction, because the “evidence does not support a finding that [he] was the person who stayed in the taxi after the Montgomery Village stop.” We disagree. From the evidence that Mr. Williams was in need of at least \$500 to pay for a video shoot, used another person’s phone to contact multiple taxi companies, asked the Barwood taxi company to pick him up at an address other than Mr. Lynn’s residence, and cancelled the request in favor of a taxi company for Spanish-speakers (despite the facts that Mr. Lynn did not know Mr. Williams to speak Spanish and Ms. Pearson required Mr. Williams to return to her home by a certain time), the court could reasonably infer that Mr. Williams was planning to rob the driver sent by La Union. From Mr. Pitter’s admission that he took Mr. Navarro’s phone, and Mr. Navarro’s testimony that a second man took the phone from Mr. Pitter and told Mr. Navarro to “go,” the court could reasonably conclude that Mr. Pitter was so assisted during the robbery. From the evidence that following the robbery, a message seeking a screen for an “8 plus” was posted on Mr. Williams’s Instagram account, activity associated with Mr.

Williams’s home address and brother’s name occurred on Mr. Navarro’s Apple account, and Mr. Navarro’s phone was subsequently given to Mr. Williams’s brother, the court could reasonably infer that Mr. Williams was in possession of Mr. Navarro’s phone following the robbery. Finally, from the evidence that Mr. Williams contacted a video producer and stated that Mr. Williams was “ready [to] lock in,” the court could reasonably infer that following the robbery, Mr. Williams was in possession of the money stolen from Mr. Navarro. From these inferences, the court could reasonably conclude beyond a reasonable doubt that Mr. Williams was present for, and assisted Mr. Pitter during, the robbery, and hence, the evidence is sufficient to sustain the conviction.

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