

Circuit Court for Worcester County
Case No. C-23-CR-18-000076

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1065

September Term, 2018

TERRILL ANDREA PITTS

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: June 5, 2019

*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.

Following a jury trial in the Circuit Court for Worcester County, Terrill Pitts, appellant, was convicted of being a rogue and vagabond.¹ Mr. Pitts raises a single issue on appeal: whether the evidence was sufficient to support his conviction. Because the State presented sufficient evidence to sustain Mr. Pitts’s conviction, we affirm.

In reviewing the sufficiency of the evidence, we ask “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.” *Ross v. State*, 232 Md. App. 72, 81 (2017) (citation omitted). Furthermore, we “view[] not just the facts, but ‘all rational inferences that arise from the evidence,’ in the light most favorable to the” State. *Smith v. State*, 232 Md. App. 583, 594 (2017) (quoting *Abbott v. State*, 190 Md. App. 595, 616 (2010)). In this analysis, “[w]e give ‘due regard to the [fact-finder’s] findings of facts, its resolution of conflicting evidence, and, significantly, its opportunity to observe and assess the credibility of witnesses.’” *Potts v. State*, 231 Md. App. 398, 415 (2016) (quoting *Harrison v. State*, 382 Md. 477, 487–88 (2004)).

Mr. Pitts was charged with being in or around a motor vehicle belonging to Keith Geiger with the intent to either steal the vehicle or to steal property that was in or on the vehicle. Viewed in a light most favorable to the State, the evidence at trial demonstrated that Shay David lived directly across the street from Mr. Geiger. On October 1, 2017,

¹ Specifically, Mr. Pitts was convicted of violating Section 6-206(b) of the Criminal Law Article which provides that: “A person may not be in or on the motor vehicle of another with the intent to commit theft of the motor vehicle or property that is in or on the motor vehicle.”

around 1:20 a.m., Mr. David observed Mr. Pitts park his car in front of Mr. Geiger’s house; exit his car carrying a flashlight; approach a green Subaru that was parked in Mr. Geiger’s driveway; open the door to the Subaru; and then go inside the Subaru for approximately 30-40 seconds. Mr. Geiger also testified that he lived across the street from Mr. David; that he owned a grey Subaru; and that after being informed of the incident, he discovered several dollars in change missing from that vehicle. Moreover, when the police stopped Mr. Pitts, \$11.81 in loose change fell out his pants pocket when he exited the police cruiser. That evidence, if believed, was legally sufficient to support a finding of each element of the rogue and vagabond charge beyond a reasonable doubt.

Mr. Pitts nevertheless claims that Mr. David could not have witnessed him enter Mr. Geiger’s vehicle because: (1) Mr. David testified that the Subaru he entered was green, whereas Mr. Geiger testified his Subaru was gray, and (2) there was conflicting evidence as to whether Mr. Geiger’s house was directly across the street, or catty-corner, from Mr. David’s house. However, these claims are an invitation for this Court to reweigh the evidence, which we will not do. Any inconsistencies in the evidence go to the weight of the evidence, not its sufficiency, and were for the jury to resolve. Consequently, the State presented sufficient evidence to support Mr. Pitts’ conviction.

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