Circuit Court for Anne Arundel County
Case No.: C-02-CR-21-000700

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1245

September Term, 2021

BRANDON CHRISTOPHER ROSE

v.

STATE OF MARYLAND

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

PER CURIAM

Filed: April 28, 2022

Following trial in the Circuit Court for Anne Arundel County, a jury found Brandon Christopher Rose, appellant, guilty of robbery, second-degree assault, and theft. The court sentenced him to 7 years' imprisonment, with all but three years suspended, in favor of five years' probation for robbery, and merged the remaining counts for sentencing.

Appellant noted an appeal. In it, he claims that the evidence was legally insufficient to support his convictions. We disagree and shall affirm.

BACKGROUND

At trial, Kim Stephens, the victim, testified that, as she got out of her car in a parking lot of a shopping center, a man tried to remove her purse from her shoulder. The two then struggled over the purse. The victim testified that she started "swinging" at the man and told the 911 operator that the man "kept swinging at her." While the two struggled over the purse, the man dropped a cell phone. The man eventually took the purse and left the scene in a black car. The police investigation into the dropped cell phone linked a user account, text message and photographs with appellant.[1] In addition, genetic evidence extracted from the phone matched appellant's DNA.

DISCUSSION

As noted above, appellant contends that the evidence was legally insufficient to support any of his convictions. Appellant does not suggest that the evidence is insufficient

[1] The name of the user account associated with the phone dropped by the assailant was "brandonrose594@gmail.com." In addition, certain text messages extracted from the cell phone started out "Yo, Steve, it's Brandon," and another one received by the phone stated "Hey, Brandon."

to establish his criminal agency. Rather, he contends that his actions, even when viewed in the light most favorable to the State, did not amount to robbery.

Robbery is the "taking and carrying away of the personal property of another from his person by the use of violence or by putting in fear." *Hall v. State*, 233 Md. App. 118, 138 (2017) (quoting *Metheny v. State*, 359 Md. 576, 605 (2000)). In other words, robbery is a compound crime accomplished by committing a combination of theft and assault.[2] *Tilghman v. State*, 117 Md. App. 542, 568 (1997).

In reviewing the sufficiency of the evidence, we review the record 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.'" *Pinheiro v. State*, 244 Md. App. 703, 711 (2020) (quoting *Titus v. State*, 423 Md. 548, 557 (2011), in turn quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). In doing so, we defer to the jury's evaluations of witness credibility, resolution of evidentiary conflicts, and discretionary weighing of the evidence, by crediting any inferences the jury reasonably could have drawn. *Grimm v. State*, 447 Md. 482, 495 (2016).

Appellant, citing *West v. State*, 312 Md. 197 (1988), relies on the proposition that, in Maryland, a purse snatching or a sudden taking away of property from a person with the use of no more force than is necessary to separate the owner from possession of his

[2] In Maryland, the crime of assault encapsulates the common law crimes of: (1) an attempted battery; (2) a consummated battery; and (3) placing the victim in fear of an immediate battery. *Watts v. State*, 457 Md. 419, 435 (2018), *Snowden v. State*, 321 Md. 612, 617 (1991).

property, is not a robbery. In *West*, the thief snatched the victim's purse from her person without touching her and without her even being aware that the purse had been taken until she had seen the purse snatcher running away with it. *Id.* at 206-07. The Court of Appeals observed that the victim was never placed in fear, did not resist, or suffer an injury. *Id.* Under those circumstances, the Court of Appeals determined that the evidence was insufficient to support the crime of robbery.

In this case, appellant claims that, because the victim never testified that she was actually touched by appellant, and because she never testified that she was "afraid of the man who took her purse or that she was afraid during the incident," that there was insufficient evidence of an assault, and therefore insufficient evidence of a robbery. We disagree.

Here, it is not disputed that the victim and the appellant struggled over the victim's purse as appellant tried, forcibly, to remove it from her. Obviously, the victim was aware that appellant was trying to take her purse by force before he ultimately ripped it from her grasp. This situation is a far cry from the scenario in *West*, *supra*, where the victim was not aware that her purse was gone until she saw the purse snatcher running away with it.

The mere fact that the victim and appellant struggled over the purse shows that appellant used more force than necessary, within the contemplation of *West*, to take the purse. Therefore, the evidence is sufficient to support both assault and robbery.

Consequently, we affirm the judgment of the circuit court.

JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.