

Circuit Court for Howard County
Case No.: C-13-CR-23-000448

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1319

September Term, 2024

BRUCE W. LAIDLAW

v.

STATE OF MARYLAND

Leahy,
Albright,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 7, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

After a bench trial in the Circuit Court for Howard County, Appellant Bruce W. Laidlaw was convicted of: (1) conducting visual surveillance of another in a private place, Md. Code Ann., Crim. Law (“CL”) § 3-901(c); and (2) conducting visual surveillance of another with prurient intent, CL § 3-902(c). The court later imposed a one-year suspended sentence, consecutive with a 30-day suspended sentence, and five years of supervised probation with many special conditions. Laidlaw’s conviction under CL § 3-902(c) also requires him to register as a Tier I sex offender. *See* Md. Code Ann., Crim. Proc. § 11-701(o)(2).

On appeal, Laidlaw contends that the evidence was insufficient to support either of his convictions. The State agrees as to his conviction under CL § 3-901(c) but disagrees as to his conviction under CL § 3-902(c). We agree with the State on both convictions.

In reviewing this issue, we must “determine whether . . . *any* rational trier of fact could have found the essential elements of the crime[s] beyond a reasonable doubt.” *Williams v. State*, 251 Md. App. 523, 569 (2021) (cleaned up). Put differently, “the limited question before us is not whether the evidence should have or probably would have persuaded [most] fact finders but only whether it possibly could have persuaded any rational fact finder.” *Smith v. State*, 232 Md. App. 583, 594 (2017) (cleaned up). We conduct our review keeping in mind our role of reviewing both the evidence and all reasonable inferences that may be drawn from it in a light most favorable to the State. *Smith v. State*, 415 Md. 174, 185–86 (2010); *Williams*, 251 Md. App. at 569.

To convict Laidlaw under CL § 3-901(c), the State had to prove: (1) that he conducted or procured another to conduct visual surveillance; (2) of an individual; (3) in a

private place; and (4) that he did so without the individual’s consent. “Private place,” in this context, means “a dressing room or rest room in a retail store.” CL § 3-901(a)(2). The evidence at trial showed that the surveillance here occurred at a rest stop along Interstate 95. Although it still occurred in a restroom, nothing in the record suggests that the site was a retail store. Thus, we agree with Laidlaw and the State that, under the statute’s plain language, the evidence was insufficient to convict Laidlaw under CL § 3-901(c). We shall therefore reverse his conviction on that count.

To convict Laidlaw under CL § 3-902(c), the State had to prove: (1) that he conducted or procured another to conduct visual surveillance; (2) of an individual; (3) in a private place;¹ (4) without the individual’s consent; and (5) that he acted “with prurient intent.” Laidlaw challenges only the intent element.

“Prurient intent” is not directly defined by statute or Maryland caselaw. Even so, the parties largely agree on the meaning. They both point us toward *Roth v. United States*, 354 U.S. 476, 487 (1957), where the Supreme Court of the United States, in the context of obscenity, discussed the meaning of “prurient interest.” In a footnote, the Court explained that obscene material is that which deals with sex in a manner appealing to “prurient interest,”:

I.e., material having a tendency to excite lustful thoughts.
Webster’s New International Dictionary (Unabridged, 2d ed.,
1949) defines prurient, in pertinent part as follows:

¹ In contrast to CL § 3-901, “private place,” in the context of CL § 3-902, includes a restroom in a “place of . . . public use or accommodation.” CL § 3-902(a)(5). Laidlaw concedes that the restroom of an interstate rest area or welcome center meets this criterion.

‘* * * Itching; longing; uneasy with desire or longing; of persons, having itching, morbid, or lascivious longings; of desire, curiosity, or propensity, lewd * * *.’

Id. at 487 n.20, cited with approval in *Dillingham v. State*, 9 Md. App. 669, 685 (1970).

In Maryland, when words are not defined statutorily, the ordinary, popular understanding of the English language controls. *In re Cody H.*, 452 Md. 169, 184 (2017). Like the Supreme Court, we customarily consult dictionary definitions to determine a word’s ordinary meaning. *Id.* at 184–85. As the parties point out, the current version of the dictionary quoted by the Supreme Court now defines “prurient” as “marked by or arousing an immoderate or unwholesome interest or desire.”² Thus, to prove Laidlaw acted with “prurient intent,” the State had to prove he acted with an intent “marked by . . . an immoderate or unwholesome interest or desire.”

At trial, the victim’s father testified about seeing Laidlaw before any of them went into the restroom: “[H]e wouldn’t take his eyes off of my son and I thought it was just a little strange[.]” He then described encountering Laidlaw inside the restroom: “[A]s I was turning around, this gentleman stood back from the stall and turned around to the sink to act like he was going to wash his hands . . . [b]ut he never washed his hands.” He continued: “And I dried my hands, and I turned around to the corner just to peek around and that’s when I saw him looking through the stall door, between the door and the frame.” The victim, who was 16 years old at the time of the incident, testified about what he saw while

² <https://www.merriam-webster.com/dictionary/prurient> (last visited Aug. 29, 2025).

in the restroom: Laidlaw was “[l]ooking at me”—through the crack in the stall door—“in a weird way as if he wanted to maybe touch me if I come out or he was able to come in.”

From this testimony about Laidlaw’s actions and behavior, the trial court could have reasonably inferred that his intent in conducting visual surveillance of the victim was marked by an “immoderate or unwholesome interest or desire.” In other words, this evidence, “if believed and if given maximum weight, would have established the necessary elements of the crime.” *McCoy v. State*, 118 Md. App. 535, 538 (1997) (emphasis omitted). *See also Reeves v. State*, 192 Md. App. 277, 306 (2010) (“[T]he testimony of a single eyewitness, if believed, is sufficient evidence to support a conviction.”). Thus, the evidence was sufficient to support Laidlaw’s conviction under CL § 3-902(c).

**APPELLANT’S CONVICTION ON
COUNT II REVERSED. JUDGMENT
OF THE CIRCUIT COURT FOR
HOWARD COUNTY OTHERWISE
AFFIRMED. COSTS TO BE PAID
EQUALLY BY APPELLANT AND
HOWARD COUNTY.**