Circuit Court for Wicomico County
Case No. 22-J-16-00019

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 637

September Term, 2016

IN RE: T.J.

Krauser, C. J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 7, 2017

Found involved in the offense of malicious destruction of property under $1,000, by the Circuit Court for Wicomico County, sitting as the juvenile court, T.J., appellant, contends that the evidence was not sufficient to support the court's finding of involvement because the State failed to prove that he possessed the specific intent to damage the property. For the reasons that follow, we affirm.

When faced with a challenge to the sufficiency of the evidence "the appropriate inquiry is not whether the reviewing court believes that the evidence establishes guilt beyond a reasonable doubt, but rather, 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." *In re Kevin T.*, 222 Md. App. 671, 676-77 (2015) (citation omitted). "This same standard of review applies in juvenile delinquency cases. In such cases, the delinquent act, like the criminal act, must be proven beyond a reasonable doubt." *In re James R.*, 220 Md. App. 132, 137 (2014) (quotation marks and citation omitted). We will not disturb the juvenile court's findings of fact unless they are "clearly erroneous." *In re Kevin T.*, 222 Md. at 677.

Criminal Law Article § 6-301(a) provides that "[a] person may not willfully and maliciously destroy, injure, or deface the real or personal property of another." That is to say, "[m]alicious destruction of property . . . is a specific intent crime, which 'requires both a deliberate intention to injure the property of another and malice.'" *Marquardt v. State*, 164 Md. App. 95, 152 (2005) (citation omitted). Therefore, "it is not sufficient that the defendant merely intended to do the act which led to the damage to property; it is necessary

that the defendant actually intended to cause the harm to the property of another." *In re Taka C.*, 331 Md. 80, 84 (1993).

T.J. lived with his grandfather and was accused of maliciously damaging his grandfather's front storm door, as well as his grandfather's solar lights, after being told that he could not enter his grandfather's home without permission. Viewing the evidence "in the light most favorable to the State," as we are required to do, we conclude that the State presented sufficient evidence to sustain the juvenile court's finding that T.J. was involved in the offense of malicious destruction of property under $1,000. Regardless of whether T.J. had a right to enter his grandfather's home on the day of the incident, the juvenile court could reasonably find that he intentionally damaged the storm door, based on the evidence that (1) he was told that he could not enter the home; (2) in response, he became angry and kicked his grandfather's solar lights and garage door; (3) he then tried to "pull the front [storm] door off," with such force that the top of the door separated from the wall and the bottom of the door bent into a U-shape; and (4) after he pulled the storm door off, he tried to "kick the [interior front] door in" while his younger cousins were "terrified" and screaming inside the house. *See generally Jones v. State*, 213 Md. App. 208, 218 (2013) ("In determining a defendant's intent, the trier of fact can infer the requisite intent from surrounding circumstances such as the accused's acts, conduct and words." (internal quotation marks and citation omitted)). Although T.J. contends, as he did at trial, that he only "pushed" the storm door open and that it broke because it was attached to "rotten" wood, the trial court, as the finder of fact, was free to disbelieve that testimony. *See*

Johnson v. State, 227 Md. 159, 163 (1961) (noting that "exculpatory statements by an accused are not binding upon, but may be disbelieved by, that trier of facts").

Moreover, even if the State had failed to prove that T.J. intended to damage the storm door, he was also charged, in the same count of the delinquency petition, with intentionally damaging his grandfather's solar lights, and, at the adjudicatory hearing, he confirmed in his testimony that he damaged one of those lights intentionally. Accordingly, the juvenile court's finding of involvement can be sustained on that basis as well.

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