

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 753

September Term, 2016

JOHN MICHAEL LORENCE

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: April 7, 2017

*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.

Accused of stealing various toiletries from Wal-Mart, John Michael Lorence, appellant, was convicted of theft of property less than \$100 following a bench trial, in the Circuit Court for Caroline County. On appeal, Lorence contends that there was insufficient evidence to support his conviction because the State failed to prove that he possessed the toiletries when he left the store. Alternatively, he asserts that, even if he possessed the toiletries when he left the store, the State failed to prove that he had the specific intent to permanently deprive Wal-Mart of the property. For the reasons that follow, we affirm.

In analyzing the sufficiency of the evidence admitted at a bench trial to sustain a defendant's convictions, we "review the case on both the law and the evidence," but will not "set aside the judgement ... on the evidence unless clearly erroneous." Maryland Rule 8-131(c). "We review sufficiency of the evidence 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." *White v. State*, 217 Md. App. 709, 713 (2014) (internal quotation marks and citation omitted).

Viewing "the evidence in the light most favorable to the State," *see White*, 217 Md. App. at 713, as we are required to do, we conclude that the State presented sufficient evidence to support Lorence's conviction. At trial, Alissa Smith, who worked at Wal-Mart as an asset protection manager, testified that: (1) after observing Lorence pick up a box of Q-tips, she followed him to another aisle and saw him take a bottle of shampoo and place the bottle inside his jacket pocket; (2) she continued following Lorence until he walked through an empty cash-register line and left the store; (3) except for a brief moment when Lorence walked around a four-way merchandise display in front of the cash-registers, she

could see Lorence the entire time he was inside the store; (4) she never saw Lorence pay for the items or set them down before he left the store; and (5) immediately after Lorence left the store, she searched the area around the four-way merchandise display but did not find any of the items that Lorence had picked up. Based on this evidence, the trial court could reasonably find that Lorence still possessed the Q-tips and shampoo when he left the store. Although Lorence claims that the evidence was insufficient because he was not stopped and searched after he left the store, the State was not required to produce direct evidence that he still possessed the items as a “conviction can rest on circumstantial evidence alone.” *Taylor v. State*, 346 Md. 452, 458 (1997).

Moreover, we believe that the State presented sufficient evidence to establish that Lorence had the specific intent to deprive Wal-Mart of its property. Specifically, Lorence’s larcenous intent could be inferred from the evidence that he concealed one of the items inside his jacket pocket and then left the store without paying. *See Lee v. State*, 59 Md. App. 28, 43 (1984) (noting that the intent to deprive the owner of the property can be inferred from the defendant’s actions including “the furtive handling of the property”).

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