

Circuit Court for Montgomery County
Criminal Case No. 131583C

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2160

September Term, 2017

KEVIN R. WASHINGTON

v.

STATE OF MARYLAND

Woodward, C.J.,
Friedman,
Moylan, Charles E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 4, 2018

*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.

Kevin R. Washington, appellant, was convicted of carjacking by a jury in the Circuit Court for Montgomery County. On appeal, Washington challenges the sufficiency of the evidence supporting his conviction. Specifically, he claims that there was “no independent corroboration of testimony of Antonio Jones, an undisputed accomplice, that placed Appellant at the scene of the crime.” We conclude that the evidence was sufficient to sustain the conviction and affirm.

“[T]he test for evidentiary sufficiency is whether, after viewing the evidence in a light most favorable to the State, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Morris v. State*, 204 Md. App 487, 502 (2012) (citations omitted). The uncorroborated testimony of an accomplice is not sufficient to sustain a conviction. *Williams v. State*, 364 Md. 160, 179 (2001). “[N]ot much in the way of evidence corroborative of the accomplice’s testimony” is required, however. *Morris*, 204 Md. App. at 503. Corroborative evidence may be slight and circumstantial:

[W]hile the corroborative evidence need not be sufficient in itself to convict, it must relate to material facts tending either (1) to identify the accused with the perpetrators of the crime or (2) to show the participation of the accused in the crime itself. If the corroborative evidence tends to establish either of these matters with some degree of cogency, then the trier of fact may credit the accomplice’s testimony even with respect to matters as to which no corroboration was adduced. The corroboration need not extend to every detail and indeed may even be circumstantial[.]

Id. (citations and internal quotation marks omitted). To be legally sufficient, “the evidence of ‘slight’ corroboration need not be particularly persuasive; it need only be a *prima facie*

case arguable enough to let the jury consider the question of corroboration.” *Williams v. State*, 131 Md. App. 1, 8 n.1, *cert. denied*, 359 Md. 335 (2000).

To convict appellant of carjacking, the State had to prove that appellant took “unauthorized possession or control of a motor vehicle from another individual who actually possesses the motor vehicle, by force or violence, or by putting that individual in fear through intimidation or threat of force or violence.” Md. Code (2002, 2012 Repl. Vol.), Criminal Law Article, § 3-405 (b)(1).

Antonio Jones was called as a witness for the State. He testified that he “met up” with appellant and two other individuals at a gas station in Prince George’s County on March 18, 2017. The group of four then took the metro to Montgomery County, and walked a few blocks to an apartment building, where one of the men, whose name Jones did not know, “snatched the lady out of her car.” He and the other three men then got into the car. Appellant sat in the front passenger seat. After driving for about an hour, they went to a Popeye’s restaurant. They were arrested after leaving Popeye’s.

Jones’s testimony was sufficiently corroborated by the testimony of Wendy Patterson, the victim of the carjacking, and by Sergeant David Hansen, the arresting officer. Ms. Patterson testified that she was carjacked by a group of four individuals as she sat in her parked car outside her apartment building at approximately 7:45 p.m. She stated that, as she was being pulled out of the car by one male individual on the driver’s side of the car, another person, whom she “never saw,” got into the front passenger seat and “help[ed] slide [her] out” of the car. A short time after being carjacked, she learned that her credit

card, which was in her wallet that had been taken from her during the incident, had just been used at a Popeye’s restaurant.

Sergeant Hansen, of the Prince George’s County Police Department, testified that, at approximately 10 p.m., he located an unoccupied vehicle, which matched the description of a vehicle that had been reported as stolen, in the parking lot of a shopping center that included a Popeye’s restaurant. After watching the unoccupied vehicle for about five minutes, Sergeant Hansen observed four males exit “from the area of the Popeye’s,” carrying “Popeye’s food,” and get into the stolen vehicle. The vehicle was stopped a short time later, and the occupants, including appellant and Antonio Jones, were ordered out of the car and placed under arrest.

The testimony of Ms. Patterson and Sergeant Hansen had some tendency to identify appellant with the perpetrators of the crime, and show appellant’s participation in the crime itself. Accordingly, the jury was permitted to give credit to the testimony of the accomplice, Jones, “even with respect to matters as to which no corroboration was adduced,” specifically, that appellant was present at the scene of the carjacking. Therefore, the evidence was sufficient to sustain the conviction.

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