Circuit Court for Caroline County
Case No.: C-05-CR-19-000218

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2408

September Term, 2019

WILLIAM SCHINDLER

v.

STATE OF MARYLAND

Graeff,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 11, 2021

Following trial in the Circuit Court for Caroline County, a jury found William Schindler, appellant, guilty of third-degree burglary, conspiracy to commit second-degree burglary, conspiracy to commit third-degree burglary, conspiracy to commit fourth-degree burglary, theft of goods valued less than $100, conspiracy to commit theft of goods valued less than $100, and conspiracy to commit theft of goods valued more than $100 and less than $1,500.[1] The court sentenced appellant to twelve years' imprisonment for conspiracy to commit second-degree burglary and merged the remaining offenses for sentencing.

On appeal, appellant contends that the evidence was legally insufficient. For the reasons explained below, we shall affirm.

BACKGROUND

Nancy Quidas, the victim, testified that, on the afternoon of September 27, 2018, as she drove down her driveway toward her house, she saw a gold Jeep Cherokee backed up to her shed which was about twenty feet from her house. She saw two men get into the gold Jeep, whom she would later identify as appellant and Michael Thompson. Thompson was the boyfriend of Quidas's live-in boyfriend's daughter Kayla Greenway. Greenway was a drug addict, who had lived at Quidas's home from time to time, and had previously stored some belongings in Quidas's shed which she picked up about a week earlier.

As Quidas got closer to the gold Jeep it began to approach her, and then both vehicles stopped with their drivers' side doors facing each other. Appellant was driving the Jeep and, when asked about his presence on Quidas's property, he said he was looking

[1] The jury acquitted appellant of one count each of second-degree burglary and fourth-degree burglary.

for someone named Riley. When Quidas told appellant that no one by that name lived there or at any of the nearby homes, appellant sped off. Quidas wrote down what she thought was the Jeep's license plate number by looking through the rear-view mirror of her car before going to look in her shed. Upon inspection of her shed, she immediately noticed that her 26-gallon air compressor and hose reel, which both had been bolted down, were gone. She then tried, unsuccessfully, to chase down the Jeep while calling 9-1-1.

Deputy Ryan Baughmann of the Caroline County Sheriff's Office responded to Quidas's home and began his investigation. After obtaining a description of the air compressor and reel, Deputy Baughmann checked a database that covers recent pawn transactions. He learned that a person named Amanda Giesel had pawned an air compressor that same day. Deputy Baughmann testified that Quidas wrote down the gold Jeep's license plate as T691528, and he later determined that Giesel owned a gold Jeep Cherokee with a license plate number of T692518.

At trial, Giesel was a reluctant witness who did not want to implicate appellant in the theft of the air compressor. At the time, the two were engaged to be married. Prior to trial, on February 15, 2019, Detective Rodney Helmer interviewed Giesel in connection with the theft of the air compressor. Detective Helmer testified about Giesel's statement and a recording of it was played for the jury.

Between her trial testimony, and her statement to Detective Helmer, the jury learned that, earlier on the day the air compressor was stolen, while Giesel, Thompson, Greenway, and appellant were together, Greenway told the group that she knew of an air compressor that they could go get and sell to obtain money. While riding in Giesel's gold Jeep to

Quidas's home, Giesel announced that she did not want to be involved in taking the air compressor, and she and Greenway got out of the Jeep and walked to a nearby park to wait for Thompson and appellant. Eventually, Thompson and appellant picked up Greenway and Giesel and the group drove directly to the pawn shop where Giesel pawned, for $60, the air compressor, which was valued at around $600. Giesel admitted that she pawned the air compressor to get money to obtain drugs, and that she had previously pleaded guilty to fourth-degree burglary in connection with the theft of it. Moreover, Giesel said that Greenway and Thompson had taken and sold many items from Quidas's home on prior occasions.

Appellant did not testify and called no witnesses.

DISCUSSION

Appellant contends that the evidence was legally insufficient to show a culpable mental state because, according to him, the State failed to show that he was personally aware that he did not have permission to take the air compressor.

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 *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). "Since intent is subjective and, without the cooperation of the accused, cannot be directly and objectively proven, its presence must be shown by established facts which permit a proper inference of its existence." *Spencer v. State*, 450 Md. 530, 568 (2016) (quoting *Davis v. State*, 204 Md. 44, 51 (1954)).

In denying appellant's motion for judgment of acquittal at trial, the trial court stated in pertinent part that:

> [I]t should have been a red flag when the person whose property is being, I guess proffered at this point is the, bearing in mind that there's not been really evidence, whatever you can take from Ms. Giesel's various stories that anybody was told that they had the right to go there. We haven't heard that yet. But, if we do, the fact the person who would have been the only possible rightful owner decided to jump out of a moving car before the vehicle got to the property would also probably suggest that there might be some inference in the possession of stolen property, the reaction, the lack of candor with regard to that with, when confronted, I think, is enough to defeat a Motion for Judgment of Acquittal at this time. So, in the light most favorable to the State, I [am] denying the Motions as to all of them.

We think that, in viewing the evidence in the light most favorable to the State, a rational juror could draw the inference that appellant knew that the group did not have permission to take the $600 air compressor and pawn it for a mere $60. Moreover, that inference was supported by the evidence that appellant lied to Quidas when explaining the reason for his presence on her property. That inference was further supported by the evidence that Greenway, who was the only person possibly capable of granting permission to take the air compressor got out of the gold Jeep before arriving at Quidas's house. It is of no moment that the evidence may have also supported some other inference. "Choosing between competing inferences is classic grist for the jury mill." *Cerrato-Molina v. State*, 223 Md. App. 329, 337 (2015).

Consequently, we shall affirm the judgment of the circuit court.

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