Circuit Court for Prince George's County
Case No. JA-16-0494

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2196

September Term, 2016

IN RE: M.S.

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

JJ.

PER CURIAM

Filed: October 2, 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.

The Circuit Court for Prince George's County, sitting as a juvenile court, found M.S., appellant, involved in the offenses of first-degree burglary and theft of goods valued at less than $1,000. Following a disposition hearing, the court committed appellant to the Maryland Department of Juvenile Services (DJS), with placement at a level B non-community residential facility. On appeal, M.S. raises two issues: (1) whether the juvenile court abused its discretion in committing him to a Level B facility, and (2) whether the evidence was sufficient to sustain the juvenile court's finding that he was involved in the criminal charges because, he claims, the State failed to prove his criminal agency beyond a reasonable doubt. For the reasons that follow, we affirm.

M.S. first contends that the trial court abused its discretion in imposing a secure Level B commitment because it was his first delinquency adjudication and DJS had recommended probation. Section 3-8A-19 of the Courts and Judicial Proceedings Article ("CJ") of the Maryland Code grants juvenile courts wide discretion to determine the best placement option for juveniles who are adjudicated delinquent. When a court evaluates disposition possibilities, it must consider the purposes and factors set forth in CJ § 3-8A-02, which requires the court to balance public safety and personal accountability with the rehabilitative interests of the child offender. This Court reviews the disposition decision in a juvenile case for abuse of discretion, and intervenes "only upon a finding that such discretion has been abused." *In re Hamill*, 10 Md. App. 586, 592 (1970). In addition, "judges are presumed to know the law and apply it correctly." *Abdul-Maleek v. State*, 426 Md. 59, 74 (2012) (citation omitted). An abuse of discretion occurs only "'where no reasonable person would take the view adopted by the [trial] court,' or when the court acts

'without reference to any guiding rules or principles.'" *Pickett v. State*, 222 Md. App. 322, 331 (2015) (citation omitted).

At the disposition hearing, the court heard arguments from both sides as to the proper disposition. The State outlined the reasons supporting a Level B placement, emphasizing the serious nature of the offense, the psychological harm that it caused to the victim, and the fact that M.S. had been associating with older "negative peers" in his community and was engaging in activities with them that were "potentially dangerous." Moreover, although the court did not consider the underlying allegations in M.S.'s prior juvenile cases that had been dismissed, it noted that the instant offenses were committed two months after he had been released from detention in one of those cases. The court was also concerned that M.S. had created a substantial risk of harm to both the victim and himself by committing a burglary while the victim was inside the home. Based on these factors, the juvenile court reasonably could have concluded that appellant constituted a risk to himself and to other people in the community, and therefore, that an out-of-home placement was in his best interest and necessary for the safety of the public. *See* CJP § 3-8A-02(a)(5) (stating that an out-of-home placement is appropriate where it is "necessary for [the juvenile's] welfare or in the interest of public safety"). Consequently, we find no abuse of discretion in the juvenile court's decision to place M.S. in a Level B facility.

M.S. also asserts that the State failed to prove his criminal agency beyond a reasonable doubt because the victim never observed him enter her residence or take any of the items that were stolen. 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. App. at 677.

At the adjudication hearing, the State presented evidence that M.S. and two other juveniles walked into the victim's back yard; that M.S. stood next to one of the other juveniles as that juvenile kicked in the victim's basement door; that the victim, who was hiding in the bathroom, heard people enter her house and then saw three separate pairs of shoes under the bathroom door; and that, after the police arrived, the victim noticed that several items had been stolen from her home. Additionally, upon arriving at the victim's house, the responding officer observed M.S. "halfway in and halfway out" of her back door. Viewed "in the light most favorable to the State," these facts were sufficient to persuade the court that M.S. had entered the victim's house with two other juveniles and stolen her property and, therefore, to support its finding that he was involved in the offenses of first-degree burglary and theft.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.