

Circuit Court for Saint Mary's County  
Case No.: C-18-CR-24-000223

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 185

September Term, 2025

---

AMBER MICHELLE HARDESTY

v.

STATE OF MARYLAND

---

Friedman,  
Kehoe, S.,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: May 27, 2026

\*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

After a bench trial in the Circuit Court for Saint Mary’s County, appellant Amber Michelle Hardesty was convicted of two counts of embezzlement. The court later imposed concurrent sentences of five years’ incarceration, all but six months suspended, followed by three years of supervised probation. The court also ordered Hardesty to pay \$6,000 in restitution to the victim.

On appeal, Hardesty contends that the evidence was insufficient to support her conviction. In reviewing this issue, we must “determine whether . . . *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Williams v. State*, 251 Md. App. 523, 569 (2021) (cleaned up). Put differently, “the limited question before us is not whether the evidence should have or probably would have persuaded [most] fact finders but only whether it possibly could have persuaded any rational fact finder.” *Smith v. State*, 232 Md. App. 583, 594 (2017) (cleaned up). We conduct our review keeping in mind our role of reviewing both the evidence and all reasonable inferences that may be drawn from it in a light most favorable to the State. *Smith v. State*, 415 Md. 174, 185–86 (2010); *Williams*, 251 Md. App. at 569.

Hardesty was convicted of both modalities of embezzlement. *See* Md. Code Ann., Crim. Law (“CR”) § 7-113(a). To convict her of the first modality, the State had to prove: (1) that she was a fiduciary; (2) that she “fraudulently and willfully appropriate[d] money . . . that [she] h[eld] in a fiduciary capacity”; and (3) that she did so “contrary to the requirements of [her] trust responsibility[.]” CR § 7-113(a)(1). To convict Hardesty of the second modality, the State had to prove: (1) that she was a fiduciary; (2) that she “secrete[d] money . . . that [she] h[eld] in a fiduciary capacity”; and (3) that she did so “with a

fraudulent intent to use the money . . . contrary to the requirements of [her] trust responsibility.” CR § 7-113(a)(2). For both convictions, Hardesty argues only that the State failed to prove the intent element.

The evidence at trial showed that Hardesty entered into a fiduciary agreement with the victim, which gave her access to his money. During that fiduciary relationship, Hardesty spent the victim’s money on personal vacations, attorneys’ fees for her husband, and video games.<sup>1</sup> All the while, the victim’s own basic needs were unmet. When a neighbor stopped by the victim’s home, the neighbor discovered that the victim had not eaten in several days, that he had no electricity or water, that his home was filled with feces, and that his home was in foreclosure. This evidence, “if believed and if given maximum weight, would have established the necessary elements of the crime.” *McCoy v. State*, 118 Md. App. 535, 538 (1997) (emphasis omitted).

To be sure, Hardesty argued that the victim was aware of the expenditures and that she had his permission to withdraw the money into her own account. The trial court, however, rejected this defense because it did not believe the victim authorized Hardesty to drain his life savings for her personal expenses while he was left to live in squalor. *See Smallwood v. State*, 343 Md. 97, 104 (1996) (“[T]he trier of fact may infer the existence of the required intent from surrounding circumstances such as the accused’s acts, conduct and words.” (cleaned up)). *See also Collins v. State*, 89 Md. App. 273, 278 (1991) (“The element of intent is generally proved by circumstantial evidence.”). Thus, the evidence,

---

<sup>1</sup> The victim did not own a computer or television.

when viewed in the light most favorable to the State, was sufficient to sustain Hardesty's convictions.

**JUDGMENT OF THE CIRCUIT  
COURT FOR SAINT MARY'S  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**