

Circuit Court for Cecil County
Case No. C-07-CR-18-001357

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 861

September Term, 2019

ROBERT D. SNYDER

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: February 5, 2021

*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.

Convicted by a jury in the Circuit Court for Cecil County of second degree burglary, six counts of rogue and vagabond, two counts of theft, and malicious destruction, Robert D. Snyder, appellant, contends that the evidence is insufficient to sustain the conviction of second degree burglary, one of the convictions of rogue and vagabond, and the conviction of malicious destruction. For the reasons that follow, we shall affirm the judgments of the circuit court.

The victims were Roberta Craddock, Ralph Nichols, Michele Nichols, Jessica Dymond, Dean Dymond, and Tony Lee Atwood, Jr. Mr. Snyder challenges only those convictions related to Ms. Craddock and Mr. Nichols. At trial, the State called Ms. Craddock, who testified that she lives at 38 Boyle Court in Rising Sun. On October 16, 2018, the “glove box” of Ms. Craddock’s Subaru “was . . . working,” in that she could “open and close it” with her key. The following day, Ms. Craddock discovered that there “had been someone trying to get in” the glove box, “because there were pieces laying on the floor, and [she] couldn’t even get [her] key in it.”

The State next called Mr. Nichols, who testified that he lives at 19 Boyle Court, where he has a “camera system” in “different parts of the house.” At approximately 6:00 a.m. on October 17, 2018, Mr. Nichols “observed stuff missing out of [his] daughter’s car, and in [his] extra garage, somebody had broken in the back of [the] garage window, . . . ransacked [the] whole garage, [and] went through everything,” including “all the cabinets [and] cars.” Mr. Nichols reviewed the footage from his camera system and discovered that at 2:44 a.m., a man “tried getting into [Mr. Nichols’s] basement.” The man was “trying to hide his face[,] but” on the footage, “there [was] one imag[e] where you can see his face

really good[,] when he goes down” and “touches the camera.” Mr. Nichols subsequently “put [the footage] on social media to see if anybody recognized” the man, and “after . . . somebody recognized him,” Mr. Nichols called police. The State played the footage on the courtroom’s audio and video system, and on Mr. Nichols’s phone, for the jury.

The State next called Ms. Nichols, who testified that she lives with her parents at 19 Boyle Court. On October 16, 2018, Ms. Nichols had in her Toyota Camry a bag of cigarettes and a lock box containing methadone, Malazepam, Adderall, and money. The following day, Ms. Nichols discovered that the doors to her Camry were unlocked and the lock box and cigarettes were missing.

The State also called Ms. Dymond, who testified that she lives with her parents at 31 Boyle Court. On October 16, 2018, Ms. Dymond parked in the driveway of her residence her “Chevy Silverado,” in which she kept “a little wristlet with [her] driver’s license, . . . social security cards, [and] credit cards.” The following morning, Ms. Dymond entered her truck and “realized [that the] console had been lifted up” and her “wristlet [was] not . . . in there.” A police officer later returned to Ms. Dymond the “wristlet with all the stuff in it.”

The State next called Mr. Dymond, who testified that he lives at 31 Boyle Court, and owns a “Chevy S-10” and “Chevrolet pickup.” Mr. Dymond stated that “when [he] open[ed] up the doors” of his vehicles, “everything was a mess.” Mr. Dymond’s “gloves and all the debris of the glove box, the paperwork, everything was – back seats were pulled up, [and] everything was pulled out from behind the back seats.” Mr. Dymond further

explained that Boyle Court is “like a private drive,” with “only like seven houses in that development,” “one way in, [and] one way out.”

The State also called Mr. Atwood, who testified that he previously lived at 34 Boyle Court, and has known Mr. Snyder for approximately twenty years. On October 16, 2018, Mr. Atwood parked his Dodge Ram pickup truck in the driveway of his residence. Inside the truck were Mr. Atwood’s keys and wallet, which contained a check from Mr. Atwood’s employer and \$610 in cash. The following morning, Mr. Atwood “got in [his] truck” and “smelled a strong smoking smell.” Mr. Atwood “went to work,” but when he retrieved his wallet “to put more money in it,” he discovered that “it was empty.”

Later that day, Mr. Atwood received from his father a video, which Mr. Atwood then “posted . . . on social media and Facebook” to “see if anyone had recognized who was in the video.” After receiving “several responses,” Mr. Atwood “sent a message on Facebook to [Mr.] Snyder telling him to contact” Mr. Atwood. When Mr. Snyder responded, Mr. Atwood stated: “I know it’s [you], it’s a hundred percent. [C]ome clean, be honest with me and I won’t press charges against you, and I will try my best to help you out of this.” Mr. Snyder replied: “[D]ude, I apologize. I’m an addict. I need help. I will do whatever it takes to make it up to you. I can work at your gym to make up the money. I can give you what I have left right now.” Regarding “the other people’s vehicles,” Mr. Snyder stated: “[D]ude, I’m already dead, . . . all your neighbors are going [to] press charges on me anyway, so it doesn’t matter if you press charges or not.”

The State next called Jessica Smith, who testified that she has known Mr. Snyder since she “was seventeen,” and also knows Mr. Atwood. On or about October 17, 2018,

Ms. Smith viewed the video posted by Mr. Atwood and identified “the person in the video” as Mr. Snyder. Ms. Smith recognized Mr. Snyder by his “distinct facial hair,” his “mannerisms,” and “his overall appearance.” Mr. Atwood subsequently called Ms. Smith, who “told him that [she] knew who that was in the video, and . . . gave [Mr. Snyder’s] name . . . and the address of where he might be.”

The State also produced evidence that after police took Mr. Snyder into custody, he gave a written statement in which he stated: “I took a bunch of Xanax an[d] after that I don’t remember [what] happen [although] I do remember taking the money out of [Tony Atwood’s] truck.” During an interview with police, Mr. Snyder stated that while he was in Pennsylvania, he consumed “Xanax and then . . . just blacked out.” Mr. Snyder then walked to Maryland “[b]ecause . . . Tony Atwood . . . told [Mr. Snyder that] he lived in Maryland” and Mr. Snyder “wanted to find a car . . . where [he] could sleep in because it was cold.” Mr. Snyder found a truck, “rummaged through it,” discovered a wallet, and “took the money out of it.” Mr. Snyder then entered a car in the same “development” and discovered “a little lockbox [with] medication in it.” Following the close of the evidence, the jury convicted Mr. Snyder of second degree burglary with respect to Mr. Nichols, rogue and vagabond and malicious destruction with respect to Ms. Craddock, and the remaining offenses against the other victims.

Mr. Snyder contends that the evidence is insufficient to sustain the convictions with respect to Ms. Craddock and Mr. Nichols because “the only evidence adduced by the State” as to these offenses “was Mr. Snyder’s presence in the vicinity of the crimes.” *See Rich v. State*, 205 Md. App. 227, 236 (2012) (“[t]he mere presence of a person at the time and

place of a crime is not sufficient to justify a conviction for the commission of that crime” (citation omitted)). We disagree. The State produced evidence that at the time that Mr. Snyder went to Boyle Court, he had taken Xanax to the extent that he had “blacked out,” and was looking for “a place to sleep.” The State also produced evidence that someone had entered and rummaged through Ms. Craddock’s vehicle in the same manner as other vehicles in the development, two of which Mr. Snyder admitted to entering and removing from them items of property. The State produced further evidence that Mr. Snyder rummaged through a vehicle located on the same property as Mr. Nichols’s garage and attempted to gain entry to the Nichols’ basement. Finally, Mr. Atwood testified that Mr. Snyder expected “all [of Mr. Atwood’s] neighbors” to “press charges on” Mr. Snyder. We conclude that this evidence could convince a rational trier of fact beyond a reasonable doubt that Mr. Snyder was the individual who damaged and rummaged through Ms. Craddock’s vehicle and burglarized Mr. Nichols’s garage, and hence, the evidence is sufficient to sustain the convictions.

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