

Circuit Court for Washington County
Case No. C-21-CR-24-000328

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1773

September Term, 2024

WAYDE ANDREW SMITH, JR.

v.

STATE OF MARYLAND

Reed,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 3, 2025

*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.

Convicted by a jury in the Circuit Court for Washington County of robbery, second degree assault, and theft of property with a value of at least \$100 but less than \$1,500, Wayde Andrew Smith, Jr., appellant, presents for our review a single issue: whether the evidence is sufficient to sustain the convictions of robbery and theft. For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State called Hilal Tarakhil, who testified that on May 6, 2024, he was working at his job at the “Penny Mart” on Potomac Street in Hagerstown. While Mr. Tarakhil was “working in register,” a “customer,” whom Mr. Tarakhil identified at trial as Mr. Smith, “came . . . asking for cigarettes.” When Mr. Tarakhil “was getting the cigarettes,” Mr. Smith “came around the table.” Mr. Tarakhil told Mr. Smith: “[I]f you need anything[,] I can help you or assist you with that, but you are not allowed behind this table, nobody is allowed except the one who works.” Mr. Smith replied: “Give me whatever you have in your pockets, your phone and everything.” Mr. Tarakhil stated: “I will get you whatever you want, please go back, you’re not allowed over here.” Mr. Smith “put his hands on” Mr. Tarakhil, who “defend[ed him]self.” Mr. Smith then “left the store.” Mr. Tarakhil testified that Mr. Smith removed from Mr. Tarakhil’s pocket \$1,460 in “twenties and some ones.” The State played for the jury two video recordings of the “encounter” recorded by the store’s security cameras. During cross-examination, defense counsel asked Mr. Tarakhil: “Did he point at something at the beginning, or did you just immediately start fighting?” Mr. Tarakhil replied: “[H]e put hands in my pocket.”

The State also called Hagerstown City Police Officer Timothy Cramer, who testified that he was dispatched to the Penny Mart “for a disturbance at the store.” Officer Cramer

subsequently learned that Mr. Smith had been arrested by Maryland State Police officers, who recovered from Mr. Smith’s person \$920 in currency. The State entered into evidence a photo of the currency, which is comprised entirely of \$20 bills. During a subsequent interview with Officer Cramer, Mr. Smith stated “that he was there to buy cigarettes,” he “recalled an altercation inside the store,” specifically “a fight with the clerk,” and “he recalled leaving the store . . . after that fight.”

Mr. Smith contends that the “State did not present sufficient evidence to prove beyond a reasonable doubt that [he] committed robbery and theft,” because for numerous reasons, “the evidence did not support Mr. Tarakhil’s claim that Mr. Smith took money from him.” We disagree. Mr. Tarakhil explicitly testified that Mr. Smith ordered Mr. Tarakhil to produce “whatever” he had in his pockets, “put his hands on” Mr. Tarakhil, and removed from Mr. Tarakhil’s pocket currency that was in denominations of “twenties and . . . ones.” Police subsequently discovered on Mr. Smith’s person currency comprised entirely of \$20 bills. Finally, the altercation between Mr. Smith and Mr. Tarakhil was recorded by the Penny Mart’s security cameras, and Mr. Smith confirmed to Officer Cramer that Mr. Smith had engaged in “a fight with the clerk” of the store. From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Mr. Smith robbed Mr. Tarakhil, and hence, the evidence is sufficient to sustain the convictions of robbery and theft.

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