Circuit Court for Prince George's County
Case No. C-16-JV-24-000774

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2250

September Term, 2024

IN RE: R.S.

Arthur,
Ripken,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Sharer, J.
Dissenting Opinion by Ripken, J.

Filed: June 16, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

The Circuit Court for Prince George's County found R.S., a juvenile ("appellant"), involved in knowingly distributing a visual representation of another's "intimate exposed parts" in violation of the "Revenge Porn" statute.[1] In this appeal, he contends that the evidence is insufficient to sustain that finding. We agree and reverse.

BACKGROUND

In March 2024, a class of eighth graders from a North Carolina middle school took a field trip to Washington, D.C. They arrived on a Thursday and stayed at a hotel in Prince George's County.

Three students shared a room: H.P.; appellant; and J. After appellant and J. had showered, it was H.P.'s turn to shower. While H.P. was in the bathroom, preparing to shower (or perhaps having finished doing so), J. pried the bathroom door open using a charging cord, as appellant recorded on his cell phone. When the door opened, H.P. appeared, naked and with his genitalia briefly exposed. Appellant posted the video to a chat group (the "Soft Barbie Bandits") students had created that day, comprising twelve students, including appellant, H.P., and T.S.

Appellant had second thoughts after posting the video. He quickly sent a series of frantic messages to the chat group, some of which consisted of repeated postings of the letter "S" in an attempt to scroll the video further up the page to push it out of view. Additional messages urged the other members to delete the post, but several of them said

[1] Maryland Code (2002, 2021 Repl. Vol., 2024 Supp.), Criminal Law Article ("CR"), § 3-809.

that they were unable to do so. H.P. confirmed that the video had been posted because T.S., who had not been present in the room he shared with appellant and J., rebroadcast a screenshot from the video to the group chat.

Later that same night, H.P. texted his mother, Holly P., and informed her that the video had been posted to a chat room and viewed by other students. She contacted local school officials, who contacted Greenbelt police.

In August 2024, an eight-count delinquency petition was filed, alleging that appellant: (1) conducted visual surveillance of H.P. in violation of Maryland Code (2002, 2021 Repl. Vol., 2024 Supp.), Criminal Law Article ("CR"), § 3-901(c); (2) conducted visual surveillance of H.P. with prurient intent in violation of CR § 3-902(c)(1); (3) conducted visual surveillance of the private area of H.P. with prurient intent by use of a camera in violation of CR § 3-902(c)(2); (4) knowingly distributed a visual representation of H.P. displaying his intimate parts exposed with the intent to harass in violation of CR § 3-809; (5) maliciously and intentionally used a computer service to post a nude photo of H.P. on social media in violation of CR § 3-805(b)(2); (6) maliciously and intentionally engaged in electronic communication by posting a nude photo of H.P. on social media in violation of CR § 3-805(b)(3); (7) intentionally used electronic communication to maliciously engage in a single significant act in violation of CR § 3-805(b)(4); and (8) maliciously and intentionally engaged in electronic conduct in violation of CR § 3-805(b)(5).

An adjudicatory hearing was held in December 2024. At the outset, the State entered nolle prosequi as to Counts One, Two, Three, Five and Six. Five witnesses testified: Holly P., H.P.'s mother; H.P.; Jamal McGee, who was, at the time of the incident, an assistant principal at the middle school attended by appellant and H.P.; Officer Michael Watkins of the Greenbelt City Police Department; and appellant, on his own behalf.

In addition to recounting the actions she took upon discovering that a video depicting her son in the nude had been posted to a chat room, which are summarized above, Ms. P. testified that H.P. was "very different" after the video incident, having become "terrified" to return to school and requiring mental health therapy.

H.P. testified in detail about the incident and its aftermath. The relevant parts of his testimony are included in the preceding summary of facts.

Mr. McGee, the assistant principal and trip chaperone, testified about being informed the day after the incident and the actions he took afterward. Mr. McGee contacted school administrators in North Carolina to ascertain the protocols he should follow. He then took statements from both appellant and H.P. (which the police did not request that he provide) and filed a report with the Greenbelt Police Department. Appellant admitted to Mr. McGee that he had recorded the video depicting H.P. naked and that he had posted it to a chat room.

Officer Watkins testified about meeting Mr. McGee on the day after the incident. Officer Watkins notified the parents of both appellant and H.P. of the incident. Ms. P.

"emailed [him] photos" depicting the incident. Officer Watkins acknowledged that, during his investigation, he never obtained either the witness statements or the video.

Appellant testified in detail about the incident and his subsequent attempts to prevent further dissemination of the video. According to appellant, he had not realized that the video depicted H.P.'s genitalia because he had posted it immediately after recording it, and he did not review the video before posting it. Appellant testified that he was sorry for recording the video and posting it to the chat room, and he sent a text message to H.P. extending an apology. H.P. ignored the text and had no further contact with him.

Upon the conclusion of the adjudication hearing, the court acquitted appellant of Counts Seven and Eight because it found that the State had failed to prove malice. It then directed its attention to Count Four, the revenge porn charge:

> H.P. testified that both R.S. and J. had showered and that it was his turn to shower. He testified that R.S. took a picture of him before he went into the shower in his boxers. He testified that he turned the water on to let the water warm up, that he eventually -- he locked the door to the bathroom. He heard the door knob, he said it was being fidgeted, and that at some point that the door opened and that R.S. was at the door.
>
> He testified that he had one foot in and then testified that his whole body wasn't in, but his arm was in, that the camera was shoulder-high and that he was attempting to avoid being recorded. He attempted to push the door closed. He said that both R.S. and J. were laughing. He said, thereafter, he felt very nervous and scared during the incident. He testified that after the incident he continued to feel scared, nervous interchangeably, sometimes more nervous than scared, sometimes more scared than nervous.
>
> He admitted on cross examination that they did continue with their plans to try to go to leave the room and go to another student's room, that they did go to another student's room. He testified that another student, T.S., sent the -- took a screenshot of the group chat and sent it to the group. He said that the photo that was -- or the photo that was shown, or the video,

excuse me, was not taken by T.S. because T.S. had not been in his room during the entire night and that the video was actually shot by R.S.

He stated that when asked about how -- what effect this has had on him at school, he said other folks besides those in the group chat knew about it. People had approached him at school to talk about it and that he still has feelings now of being about -- being nervous about people coming up and asking him about it.

The Respondent, R.S., testified -- he admitted that he did enter the bathroom. He said that J. is the person that used the cord, a charger cord, to gain access into the bathroom, that he heard H.P. speaking on the phone, speaking to another student, that he knew H.P.

When asked did he know that H.P. was either in the shower, out of the shower, about to get into the shower, he answered yes. He said he had the phone recording as they were opening the door and that he continued to record. He said that he saw H.P. with his own eyes naked and he did not stop recording, that he continued to record.

He also testified that he sent it without a copy of the video to those in the group chat, without reviewing it. He said he didn't think it showed anything because the interaction was so brief and that he thought it would be funny and get a rise out of everybody. And he had been taking pictures during the day and sharing them and thought that this would be as humorous as well.

The Court has had an opportunity to go over the text messages, and the Court notes that the text messages support that R.S. seemed very desperate to get everyone to delete it. He kept saying, delete it; then, if you can't delete it, edit it then. He's told by other students in the chat that they can't delete it. So then he attempts to . . . spam it, reduce it. He said he hit it several times, multiple times to reduce it.

The court then made a legal determination based on those facts:

The Court notes that the -- Count Four is that R.S. did knowingly distribute a visual representation of H.P. that displays said person's intimate parts exposed with the intent to harass that person under the circumstances in which he -- in which he knew said person did not consent to the distribution and under the circumstances in which the other person had a reasonable expectation that the image would remain private.

When the Court looks at the law, it states a person may not knowingly distribute. For it to be knowingly, it has to be deliberate. I don't find that the distribution was accidental. In fact, R.S. testified to himself that he did share it with the others in the chat. He did not state that he accidentally pushed "send" and it went out to the other persons.

The argument that -- was that it was accidental, but I do find it very telling that when you look at the text messages shared -- well, I don't know if they're text messages or the -- the messages shared in the group chat, there is one line about I sent it to some type of pic -- S C H A L pic. I sent it to -- this particular pic on accident. I deleted it, though.

But that didn't come from R.S. That came from one of the other students. He said -- he's the only one that says I did it by accident. This student says, I sent it out on accident. I deleted it, though. We don't have anywhere where R.S. is saying that he did this by accident. I think at some point it became very apparent that this thing was starting to escalate and was getting out of hand, because it's very apparent that he's very desperate for everyone to forget about it, don't talk about it, delete it, spam it, reduce it, this didn't happen. And that's the word he said: Tomorrow, don't even talk about it; this never happened.

When we talk about a person knowingly, again, I find that that's deliberate. I don't find this was accidental. This was deliberate. It says to distribute a visual representation of another identifiable person's -- that displays that person's intimate parts. It clearly displayed his penis with the intent to harm, harass, or intimidate.

Harassment, basically, is to annoy persistently or to create an unpleasant situation. I think photographing, videotaping someone in the shower does create an unpleasant situation. This is different from the malice. The malice you have to show that the person had a desire to harm. I don't show that he -- I'm not saying he had a desire to harm, but he definitely was intent on annoying persistently or creating an unpleasant situation for H.P., which he did under the circumstances in which the person knew the other person did not consent to the distribution.

We know he didn't consent. The bathroom door was locked. He was told by H.P. to stop. H.P. tried to cover himself up with the door. He tried to shut the door. And, again, the Court doesn't find that this video was sent by accident. I think it was regretted, regrettably sent, but it had already been sent and it is already out there. When the Court -- that is the Court's finding.

> Having made that finding, I do find R.S. involved as relates to Count Four, knowingly distributing the visual representation of the intimate exposed parts.

Six weeks later, the court convened a disposition hearing. After hearing from the parties, the court ordered unsupervised probation. It further ordered that appellant "maintain his therapeutic services[,]" "complete 100 hours of community service[,]" "complete a victim impact program seminar[,]" have no contact with either H.P. or his family, write a "thoughtful" apology letter to H.P., delete the video,[2] and pay $400 restitution to Ms. P. for transportation expenses.

This timely appeal followed.

DISCUSSION

Standard of Review

"In a juvenile delinquency matter, an appellate court will 'review the case on both the law and the evidence.'" *In re Elrich S.*, 416 Md. 15, 30 (2010) (quoting Md. Rule 8-131(c)). "We review any conclusions of law *de novo*," but we "apply the clearly erroneous standard to findings of fact." *Id.*

> We use the same evidentiary standard of review in juvenile delinquency proceedings as we apply in criminal cases:
>
> > Appellate review of the trial court's judgment on the evidence is limited to determining whether there is a sufficient evidentiary basis for the court's underlying factual findings. The appropriate inquiry is not whether the reviewing court

[2] The court expressed its hope that the video could be deleted as far as humanly possible, stating: "The video is to be deleted. Everyone that it was sent to must be notified to delete it. Anybody that they sent it to must be deleted. I want a complete wash of this as is humanly and technologically possible."

> 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.

Id. (cleaned up) (quoting *In re Anthony W.*, 388 Md. 251, 261 (2005), *abrogated on other grounds*, *State v. Jones*, 466 Md. 142 (2019)). In undertaking that review, "we defer to 'reasonable inferences drawn by the fact-finder' and 'resolve conflicting possible inferences in the State's favor.'" *Turenne v. State*, 488 Md. 239, 265 (2024) (quoting *State v. Krikstan*, 483 Md. 43, 64 (2023)).

Because a trial court's legal conclusions are afforded no deference, "if our review of the sufficiency of the evidence 'involves an interpretation and application of Maryland statutory and case law, this Court must determine whether the lower court's conclusions are legally correct under a *de novo* standard of review.'" *In re J.H.*, 245 Md. App. 605, 623 (2020) (cleaned up) (quoting *Rodriguez v. State*, 221 Md. App. 26, 35 (2015)). "In the context of interpreting and applying criminal statutory law," our Supreme Court has "stated that 'no person incurs a penalty unless the act which subjects him or her to it, is clearly, both within the spirit and letter of the statute. Things which do not come within the words are not to be brought within them by construction.'" *In re S.K.*, 466 Md. 31, 50 (2019) (cleaned up) (quoting *Howell v. State*, 278 Md. 389, 392 (1976)). "[P]enal statutes are to be strictly construed[.]" *Howell*, 278 Md. at 395.

Parties' Contentions

Appellant contends that the evidence is insufficient to sustain the juvenile court's finding that his conduct violated CR § 3-809, for a smorgasbord of reasons. First, appellant asserts that his conduct "was not what the legislature intended to address by prohibiting 'revenge porn[.]'" Second, appellant asserts the State failed to prove that H.P. "'had a reasonable expectation that the image would remain private.'" (Quoting CR § 3-809(c)(3).) Third, appellant asserts that the evidence is insufficient to establish that he knew that the video depicted H.P.'s private parts when he transmitted it to a chat group. And fourth, appellant asserts that the evidence is insufficient to establish that he had the intent to harass H.P.

The State counters that appellant's legislative history argument omits any consideration of the 2018 amendments to the "Revenge Porn" statute, which, it contends, evince "a clear legislative intent to expand the scope of available protection for victims from the distribution of private intimate media." Second, the State asserts that H.P. retained "a reasonable expectation that the image would remain private" and that he did not lose that expectation merely because appellant captured the video without his consent. Third, the State asserts that the evidence supports a finding that appellant "was aware that the video showed" H.P.'s private parts when he sent it. And finally, the State asserts that the evidence supports a finding that appellant distributed the video with the requisite intent to harass H.P.

Appellant replies that the State exaggerates the effect of the 2018 amendments, pointing out that one of the proposed amendments would have eliminated the requirement that the victim have a reasonable expectation of privacy in the image that was distributed, but that the General Assembly rejected that amendment.

Analysis

Our analysis will focus on the following elements: (1) whether the evidence is sufficient to establish the knowledge element of CR § 3-809; (2) whether the evidence is sufficient to establish the intent element; and (3) whether the evidence is sufficient to establish that H.P. had a reasonable expectation that the image would remain private. We shall conclude that the knowledge element is satisfied, but the intent element is not, and therefore, the evidence is insufficient to prove appellant's involvement.

We begin with the text of the statute, CR § 3-809, the so-called "Revenge Porn" statute, which, at the time of the incident,[3] stated in relevant part:

> (c) A person may not **knowingly** distribute a visual representation of another identifiable person that displays the other person with his or her intimate parts exposed or while engaged in an act of sexual activity:
>
> (1) **with the intent to harm, harass, intimidate, threaten, or coerce** the other person;
>
> (2)(i) under circumstances in which the person knew that the other person did not consent to the distribution; or

[3] CR § 3-809(c), which sets forth the prohibited acts under the revenge porn statute, is substantially the same today. The only difference is that a 2025 statutory amendment deleted the words "his or her" in the first sentence of subsection (c). 2025 Md. Laws, ch. 219.

(ii) with reckless disregard as to whether the person consented to the distribution; and

(3) **under circumstances in which the other person had a reasonable expectation that the image would remain private**.

(Emphasis added.)

Defendant's Knowledge

Appellant asserts that the juvenile court misapprehended the scope of the knowledge element, limiting its analysis to whether appellant had knowingly distributed the photograph without consideration of whether he knew that the image depicted H.P.'s genitalia. We think appellant reads the knowledge requirement of the statute too narrowly. "'Knowledge may be proven by circumstantial evidence and by inferences drawn therefrom.'" *Smith v. State*, 415 Md. 174, 187 (2010) (cleaned up) (quoting *Dawkins v. State*, 313 Md. 638, 651 (1988)).

Although appellant denied that he knew that the video depicted H.P.'s genitalia because it was of very brief duration, and he had posted it to the chat room without reviewing it beforehand, the court was not required to credit his testimony. *See, e.g.*, *Nicholson v. State*, 239 Md. App. 228, 243 (2018) (stating that a fact finder is "entitled to accept -- or reject -- *all*, *part*, *or none* of the testimony of any witness" (cleaned up)). The court reasonably could infer that, in the circumstances, appellant knew, at the time he distributed the video, that it depicted H.P.'s genitalia. Among those circumstances were that appellant was aware that H.P. was "either in the shower, getting ready to shower, or getting out of the shower" and that he likely would be naked; appellant and J. forced the

bathroom door open; appellant recorded the video from approximately five-to-ten feet away, and he had an unobstructed view of H.P. Moreover, the court was permitted to infer that appellant's frantic attempts to squelch distribution of the video and to seek its deletion from the chat room evinced knowledge of guilt. *Rainey v. State*, 480 Md. 230, 262 (2022) (observing that destruction of evidence following a crime supports the inference that the defendant was conscious of his guilt). We conclude that the evidence is sufficient to establish appellant's knowledge as required under CR § 3-809(c)(1).

Defendant's Intent to Harass

Appellant asserts that the evidence is insufficient to establish an intent to harass H.P.

> (1) because the evidence does not establish that R.S. knew the video depicted H.P.'s intimate parts when he sent it and (2) even if R.S. knew the video depicted H.P.'s intimate parts, his actions showed that he tried to immediately ameliorate the situation, and he did not continue to press it after H.P. asked him to stop.

We have already explained that the evidence is sufficient to show that appellant "knew the video depicted H.P.'s intimate parts when he sent it[.]" We therefore address whether appellant's actions before and after posting the video establish the intent to harass H.P., keeping in mind that the offense proscribes the distribution, not the acquisition, of the video, and therefore, it is appellant's intent at the time of distribution that is ultimately at issue.

"Harass" has been defined by the Supreme Court of Maryland as "'to annoy persistently.'" *Galloway v. State*, 365 Md. 599, 628 (2001) (quoting Merriam-Webster's Collegiate Dictionary 529 (10th ed. 1993)). "Persistent" has been defined by the Supreme

Court of Maryland as "'existing for a long or longer than usual time or continuously'"; "'continuing or inclined to persist in a course.'" *Pinner v. Pinner*, 467 Md. 463, 497 (2020) (quoting Merriam-Webster's Collegiate Dictionary 924 (11th ed. 2020)). Notably, the Court in *Pinner* held that "the filing of a single lawsuit" was insufficient to establish "other persistent . . . conduct" under the long arm statute[4] merely because of the duration of the lawsuit. *Id.* (cleaned up). The Court declared: "Interpreting the phrase within the constitutional requirements of due process, we believe that something more is required to establish a 'persistent course of conduct' other than simply the duration of the act." *Id.*

A similar constraint applies here, where we are interpreting a criminal statute. We must always beware not to interpret such a statute too broadly, thereby sweeping within its scope conduct that may not be intended by the General Assembly to be included. "Bearing in mind the fact that penal statutes are to be strictly construed[,]" *Howell*, 278 Md. at 395, we are constrained to agree with appellant that the evidence is insufficient to establish that he intended, at the time of distribution, to harass H.P.

"'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) (plurality opinion) (quoting *Davis v. State*, 204 Md. 44, 51 (1954)). *See* Maryland Criminal Pattern Jury Instruction ("MPJI-Cr") 3:31 ("Proof of Intent") (Maryland State Bar Ass'n,

[4] Maryland Code (1974, 2020 Repl. Vol.), Courts & Judicial Proceedings Article, § 6-103.

3d ed. 2025). "In determining the defendant's intent," a fact finder "may consider the defendant's acts [and] statements, as well as the surrounding circumstances. Further, [a fact finder] may, but [is] not required to, infer that a person ordinarily intends the natural and probable consequences of his acts." MPJI-Cr 3:31.

Here, there was testimony that H.P. told appellant and J. to stop trying to force the bathroom door open but that they continued to force the lock until the door popped open. In H.P.'s words, "[o]bviously [they] didn't listen." There was testimony that H.P. tried to cover himself as the door swung open and that he attempted to close it again. Despite H.P.'s appeals to appellant and J. to stop, they continued in their actions, culminating in appellant recording H.P. naked. Thereafter, appellant posted the video to the Soft Barbie Bandits chat room, which itself was an intentional act. Considered as a whole, in the light most favorable to the State, the State asserts that this evidence is sufficient to sustain the juvenile court's conclusion that appellant acted with the intent to harass H.P.

The problem with this analysis is that it fails to reckon with a crucial fact—appellant's distribution of the video was a one-off, impulsive act, which fails to establish that he intended to harass H.P., that is, "to annoy [him] **persistently**." *Galloway*, 365 Md. at 628 (cleaned up; emphasis added). "Persistent" means "existing for a long or longer than usual time or continuously" or "continuing or inclined to persist in a course." *Pinner*, 467 Md. at 497 (cleaned up). Whatever appellant may have intended by sharing the nude video once, impulsively, in a chat room, his isolated act does not rise to the level of persistence required to establish that he intended to harass H.P. Indeed, his nearly instantaneous action

was to discourage distribution by his group mates. As in *Pinner*, where the Supreme Court concluded that "something more is required to establish a 'persistent course of conduct' other than simply the duration of the act[,]" *id.*, so too in this case, something more than an isolated act is required to establish the intent to "annoy [the target of the conduct] persistently." *Galloway*, 365 Md. at 628 (cleaned up). Therefore, the evidence in this case is insufficient to sustain the juvenile court's finding of involvement.

Alleged Victim's Reasonable Expectation of Privacy in the Image

Appellant asserts that the evidence is insufficient to establish that H.P. had a reasonable expectation that the image would remain private. He contends that, counterintuitive as it may be, the very fact that H.P. did not consent to the video being recorded is itself (apparently conclusive) evidence that he did not have an expectation of privacy in the video. In other words, according to appellant, once H.P.'s privacy was violated by the acquisition of the video, he no longer had a reasonable expectation of privacy in its subsequent distribution.

As always, we consider and decide cases based on the record presented to us from the trial court. Thus, our review is limited to the record before us. Because the evidence of intent to harass is insufficient to sustain the finding of involvement, we need not reach the expectation of privacy issue. It is likewise unnecessary for us to address appellant's argument about legislative history, and we shall not do so.

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

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I respectfully dissent. I would have affirmed the judgment of the Circuit Court for Prince George's County. I agree with the majority's summary of the facts. However, I would highlight the following portions of testimony concerning R.S.'s intent to harass the victim. There was evidence that prior to the victim's turn to shower, R.S. took a picture of the victim in his boxers and sent that photo to the group chat. In addition, the victim had locked the bathroom door to take a shower. R.S., with the help of another boy, opened the locked bathroom door, despite the victim's request that they stop. The victim jumped out of the shower to try to shut the bathroom door, while R.S. and the other boy continued to push through the door. R.S. filmed this encounter and shared it in the group chat.

Momentarily setting aside the issues of consent and reasonable expectation of privacy, pursuant to the statute at issue in this case, a person may not knowingly distribute a visual representation of another identifiable person that displays the other person with intimate parts exposed with the ***intent*** to harm harass, intimidate, threaten, or coerce the other person. Maryland Code (2002, 2021 Repl. Vol., 2024 Supp.), Criminal Law Article ("CL"), § 3-809(c) (emphasis added). Although, as the majority notes, harassment itself may require a persistent course of conduct to be adequately demonstrated, intent to harass does not. In my view, the majority replaces the statutory requirement of intent to harass with an extra-textual interpretation—that to convict a defendant or find a juvenile involved, the State must prove actual harassment. Such a result is contrary to the guidance for statutory interpretation propounded by this Court and the Supreme Court of Maryland, which is that we "take the statutory language as we find it, neither adding to nor deleting

from it; we avoid forced or subtle interpretations; and we avoid constructions that would negate portions of the language or render them meaningless." *In re K.K.*, 266 Md. App. 161, 181 (2025) (brackets omitted) (quoting *Westminster Mgmt., LLC v. Smith*, 486 Md. 616, 644 (2024)). The facts in this case, viewed in a light most favorable to the delinquency adjudication, *see In re Elrich S.*, 416 Md. 15, 30 (2010) (citation omitted), demonstrated that prior to R.S. entering the bathroom, he took a picture of the victim in his boxers, which R.S. then shared in the group chat; after the victim entered the bathroom and locked the door to shower, R.S., with the assistance another boy, attempted to enter the bathroom, and finding it locked, took steps to unlock the door; despite the victim objecting and attempting to push R.S. and the other boy out of the bathroom, R.S. continued to film, and subsequently uploaded the video that depicted the victim's naked body in the group chat. In my view, this evidence, viewed in a light most favorable to the delinquency adjudication, was sufficient to show R.S.'s intent to harass the victim. *See id.*

Concerning the victim's expectation of privacy, I would further highlight that individuals have a substantial privacy interest in keeping nonconsensual photos of their intimate areas private, and in my view, that expectation of privacy is not eliminated merely because an image depicting such is captured without consent. *Cf. State v. Katz*, 179 N.E.3d 431, 457 (Ill. 2022); *State v. VanBuren*, 214 A.3d 791, 810–11 (Vt. 2019); *State v. Casillas*, 952 N.W.2d 629, 642–43 (Minn. 2020); *State v. Zitterkopf*, 9 N.W.3d 896, 910–11 (Neb. 2024). The expectation of privacy persists in both the taking and the disseminating of such imagery. In this case, the victim testified:

> I know [R.S.] was recording and yes, ma'am, I had a nervous feeling he would [send out the recording], because who does that in the first place? That's just a little odd to everyone.

In addition, the recording that R.S. created of the victim was made in the bathroom, while the victim was showering, and after R.S., with the assistance of another boy, broke through a locked door over the victim's objections. Therefore, in my view, there was sufficient evidence to sustain the court's finding of involvement.