

COURT OF APPEALS OF MARYLAND

Walker v. State, 432 Md. 587

69 A.3d 107 (2013) · Decided July 8, 2013

SUMMARY

The Maryland Court of Appeals held that a paraeducator did not have a reasonable expectation of privacy in an unlocked desk located in an open common area of a school, so the search did not violate the Fourth Amendment. The court also held that non-explicit letters, drawings, physical contact, and related conduct could constitute sexual abuse of a minor under Maryland law. The court affirmed the convictions for sexual abuse of a minor and attempted sexual abuse of a minor.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Barbera, J.; Bell, C.J.; Adkins, J.; McDonald, J.
JURISDICTION	Maryland
DECIDED	July 8, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Following a bench trial in the Circuit Court for Howard County, Walker was convicted of sexual abuse of a minor and attempted sexual abuse of a minor. The Court of Special Appeals affirmed. The Court of Appeals granted certiorari and affirmed.
STANDARD OF REVIEW	Suppression findings of fact and reasonable inferences are viewed in the light most favorable to the prevailing party, while the appellate court independently applies constitutional law to the facts. In a bench trial, Maryland Rule 8-131(c) requires review on the law and evidence, with factual findings not set aside unless clearly erroneous. Sufficiency is reviewed by asking whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could find the essential elements beyond a reasonable doubt.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Karl Marshall Walker, Jr. v. State

TOPICS

- search and seizure
- fourth amendment
- suppression of evidence
- statutory interpretation
- void for vagueness

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether Walker had a reasonable expectation of privacy in his assigned, unlocked desk located in an open, heavily trafficked school common area, such that the police search implicated the Fourth Amendment.
2. Whether non-explicit letters, drawings, physical contact, and related conduct could constitute sexual exploitation and therefore sexual abuse of a minor under Maryland Criminal Law § 3-602.
3. Whether the evidence was sufficient to establish sexual abuse and attempted sexual abuse beyond a reasonable doubt.
4. Whether applying § 3-602 to Walker's conduct rendered the statute void for vagueness or required application of the rule of lenity.

HOLDINGS

1. Walker did not have even a subjective expectation of privacy in his assigned desk because it was unlocked, located in an open and heavily trafficked school area, bore generic labels suggesting shared access, and Walker did not use available locking or private-storage options. The search therefore did not implicate the Fourth Amendment.
2. Sexual exploitation under § 3-602 is not limited to child pornography, prostitution, physical touching, or conduct that is independently criminal. It may consist of a single act or a continuing course of conduct and requires that the defendant take advantage of or unjustly or improperly use the child for the defendant's own benefit. The statute's requirement that the exploitation be sexual may be satisfied by the context and content of conduct involving sexual undertones, romantic or physical fantasies, and a benefit to the defendant.
3. The evidence was sufficient to support Walker's convictions for sexual abuse of a minor and attempted sexual abuse of a minor.
4. Section 3-602 is not impermissibly vague as applied to Walker's conduct and provided adequate notice that his conduct could be criminal.

KEY QUOTATIONS

"We therefore hold that the officers' search of Petitioner's desk did not implicate the Fourth Amendment."
(613)

"The effect of the letters as a whole is what constitutes sexual exploitation and, therefore, the crime of child sexual abuse in this case." (624)

"We hold that the evidence was sufficient to convict Petitioner of child sexual abuse, as well as its attempt."
(625)

"With these principles in mind, we agree with the State that the statute is not impermissibly vague." (627)

FACTUAL BACKGROUND

Walker, a thirty-eight-year-old paraeducator at a Howard County elementary school, gave an eight-year-old student numerous notes expressing intense romantic attachment, jealousy, fantasies of kissing and holding her, and a desire that she be his girl or sweetheart. After school personnel discovered one of the notes, police searched Walker's unlocked desk in an open school common area with the principal's consent and found additional notes and drawings from the child. The child and her mother described negative psychological effects from Walker's conduct, and Walker acknowledged to police that the conduct was inappropriate but denied romantic or physical attraction.

PROCEDURAL HISTORY

A school principal consented to a police search of a desk assigned to Walker, and police seized a box containing notes and drawings. The Circuit Court denied Walker's motion to suppress, found him guilty after a bench trial, merged the attempt conviction into the completed offense, and imposed a thirteen-year sentence with all but seven years suspended, followed by five years of supervised probation. The Court of Special Appeals affirmed the convictions, and the Court of Appeals affirmed that judgment.

DISPOSITION

affirmed

CASES CITED

- Walker v. State, 206 Md. App. 13, 47 A.3d 590 (2012)
- Walker v. State, 429 Md. 81, 54 A.3d 759 (2012)
- McCracken v. State, 429 Md. 507, 515, 56 A.3d 242 (2012)
- Bailey v. State, 412 Md. 349, 362, 987 A.2d 72 (2010)
- O'Connor v. Ortega, 480 U.S. 709, 715-20, 729, 107 S. Ct. 1492, 94 L. Ed. 2d 714 (1987)
- United States v. Jacobsen, 466 U.S. 109, 113, 104 S. Ct. 1652, 80 L. Ed. 2d 85 (1984)
- Kyllo v. United States, 533 U.S. 27, 33, 121 S. Ct. 2038, 150 L. Ed. 2d 94 (2001)
- Bond v. United States, 529 U.S. 334, 338, 120 S. Ct. 1462, 146 L. Ed. 2d 365 (2000)
- Smith v. Maryland, 442 U.S. 735, 740, 99 S. Ct. 2577, 61 L. Ed. 2d 220 (1979)
- Corbin v. State, 428 Md. 488, 499, 52 A.3d 946 (2012)
- Whiting v. State, 389 Md. 334, 348, 885 A.2d 785 (2005)
- Katz v. United States, 389 U.S. 347, 361, 88 S. Ct. 507, 19 L. Ed. 2d 576 (1967)
- Mancusi v. DeForte, 392 U.S. 364, 365, 369, 372, 88 S. Ct. 2120, 20 L. Ed. 2d 1154 (1968)
- Faulkner v. State, 317 Md. 441, 442-48, 564 A.2d 785 (1989)
- Degren v. State, 352 Md. 400, 404-05, 419, 424-28, 722 A.2d 887 (1999)
- Tribbitt v. State, 403 Md. 638, 641-49, 657 nn.14-15, 943 A.2d 1260 (2008)
- Crispino v. State, 417 Md. 31, 34-35, 41-45, 49, 7 A.3d 1092 (2010)
- Cooksey v. State, 359 Md. 1, 23-24, 752 A.2d 606 (2000)

- Rivers v. State, 393 Md. 569, 580, 903 A.2d 908 (2006)
- State v. Albrecht, 336 Md. 475, 478, 649 A.2d 336 (1994)
- State v. Mayers, 417 Md. 449, 466 (2010)
- Smith v. State, 415 Md. 174, 185, 999 A.2d 986 (2010)
- State v. Smith, 374 Md. 527, 533, 823 A.2d 664 (2003)
- Galloway v. State, 365 Md. 599, 610-11, 614-15, 781 A.2d 851 (2001)
- McFarlin v. State, 409 Md. 391, 410-11, 975 A.2d 862 (2009)
- Eanes v. State, 318 Md. 436, 459, 569 A.2d 604 (1990)
- Colten v. Kentucky, 407 U.S. 104, 110, 92 S. Ct. 1953, 32 L. Ed. 2d 584 (1972)
- State v. Weems, 429 Md. 329, 345, 55 A.3d 921 (2012)
- Bourgeois v. Live Nation Entm't, Inc., 430 Md. 14, 37, 59 A.3d 509 (2013)