Circuit Court for Baltimore County
Case No.: C-03-CR-21-001241

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 564

September Term, 2022

AMOS SELYON CHEA

v.

STATE OF MARYLAND

Berger,
Arthur,
Eyler, James R.,
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 4, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

**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.

Following a bench trial in the Circuit Court for Baltimore County, Amos Selyon Chea, appellant, was convicted of grossly negligent vehicular manslaughter, criminally negligent vehicular manslaughter, and related traffic offenses. On appeal, he contends that the evidence was insufficient to support his conviction for grossly negligent vehicular manslaughter. For the reasons that follow, we shall affirm.

In reviewing whether the evidence was sufficient to convict Chea, we must "determine whether . . . *any* rational trier of fact could have found the essential elements of [grossly negligent vehicular manslaughter] beyond a reasonable doubt." *Williams v. State*, 251 Md. App. 523, 569 (2021) (cleaned up) (quoting *Taylor v. State*, 346 Md. 452, 457 (1997)). 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 deducible from it in a light most favorable to the State. *Smith v. State*, 415 Md. 174, 185–86 (2010).

To convict Chea of grossly negligent vehicular manslaughter, the State had to prove that Chea caused "the death of another as a result of [his] driving, operating, or controlling a vehicle or vessel in a grossly negligent manner." Md. Code Ann., Crim. Law § 2-209(b). Here, Chea contends the evidence was insufficient to support a finding that his conduct rose to the level of gross negligence. We disagree.

"Whether . . . conduct rises to the level of gross negligence is a fact-specific inquiry[.]" *Beckwitt v. State*, 477 Md. 398, 433 (2022). "[T]here is no scientific test or

quantifiable probability of death that converts ordinary negligence to criminal gross negligence." *State v. Thomas*, 464 Md. 133, 159 (2019). Instead, the fact finder considers "the inherent dangerousness of the act engaged in . . . combined with environmental risk factors, which, together, make the particular activity more or less likely at any moment to bring about harm to another. *Beckwitt*, 477 Md. at 433 (cleaned up). In the vehicular-manslaughter context, gross negligence occurs when a defendant's acts show "a disregard of the consequences which might ensue," *Duren v. State*, 203 Md. 584, 590 (1954), and "a wanton or reckless disregard for human life," *Skidmore v. State*, 166 Md. App. 82, 86 (2005) (cleaned up).

Here, Chea first drove through a steady red light, narrowly avoided one car, and kept going. He continued to accelerate as he was coming down a hill toward another red light. Then, without braking or slowing down, he attempted to squeeze between two stopped cars and drive through the second red light. In executing this maneuver, Chea side-swiped one car and crashed directly into the back of the victim's car. Chea struck the victim's car with enough force to propel both cars 50 to 60 feet across the intersection. Later, Chea admitted to officers on the scene that he saw the cars in front of him and, though he was tired, he had not fallen asleep behind the wheel.

That the trial court acquitted Chea of speeding does not foreclose its conclusion that he drove his vehicle in a grossly negligent manner; excessive speed is not an element of the crime. *See* Md. Code Ann., Crim. Law § 2-209(b). Even accepting that Chea was driving the posted speed limit of 50 miles per hour, the trial court recognized that he was driving that speed while attempting to slip between cars stopped in their lanes at an

intersection to run through a steady red light. Put differently, Chea's speed considered in isolation or relative to the posted speed limit was not a factor in the trial court's analysis. The court only considered Chea's speed as relative to the stopped cars he sought to maneuver between—*i.e.*, combined with the environmental risk factors.

Ultimately, the trial court found that under the conditions, including the time of day and the stopped vehicles in the area, Chea's acts of driving through red lights, failure to brake, and a narrow miss seconds before the crash, coupled with his admission that he saw the cars in front of him and was attempting to avoid them—thus demonstrating that he was aware of the potential victims in his path—showed a reckless disregard for human life. Viewing this evidence all reasonable inferences deducible from it in a light most favorable to the State, we conclude that a rational trier of fact could have found that Chea operated his vehicle in a grossly negligent manner. The evidence was therefore sufficient to support his conviction.

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