Circuit Court for Anne Arundel County
Case No. C-02-CR-22-000858

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 67

September Term, 2023

---

COURTNEY BUTLER

v.

STATE OF MARYLAND

---

Friedman,
Zic,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: March 6, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a bench trial in the Circuit Court for Anne Arundel County, Courtney Butler, appellant, was convicted of attempted first-degree murder, attempted second-degree murder, first-degree assault, second-degree assault, reckless endangerment, and related weapons offenses. He raises a single issue on appeal: whether there was sufficient evidence to sustain his convictions for attempted first and second-degree murder because, he claims, the State failed to prove that he intended to kill the victim. For the reasons that follow, we shall affirm.

In reviewing the sufficiency of the evidence, we ask "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." *Ross v. State*, 232 Md. App. 72, 81 (2017) (quotation marks and citation omitted). Furthermore, we "view[ ] not just the facts, but 'all rational inferences that arise from the evidence,' in the light most favorable to the" State. *Smith v. State*, 232 Md. App. 583, 594 (2017) (citation omitted). In this analysis, "[w]e give 'due regard to the [fact-finder's] findings of facts, its resolution of conflicting evidence, and, significantly, its opportunity to observe and assess the credibility of witnesses.'" *Potts v. State*, 231 Md. App. 398, 415 (2016) (citation omitted).

At trial, the State presented evidence that appellant and the victim were inmates at Jessup Correctional Institution. After the victim took a crate of juice boxes back to his cell, appellant confronted the victim and his cellmate and stated that if they didn't return the juice boxes "when this fucking [cell] door opens up, I'm going to come in there and fuck both you guys up." Approximately, eight hours later, appellant approached the victim while the victim was on the phone, repeatedly punched the victim, and stabbed the victim

in the right flank and twice in the back of the head. Just prior to the stabbing, appellant had made a phone call to an unknown female indicating that he might not be able to speak with her for about 30 days because of something he was going to do. This ended up being the amount of time that appellant was ultimately placed in segregation because of the incident.

Appellant contends that the State failed to prove that he intended to kill the victim because: (1) he only threatened to "fuck up" the victim, not kill him; (2) he stopped stabbing the victim "without the intervention of correctional officers or other inmates;" (3) if he had intended to kill the victim he would have known he faced "far more dire consequences than 30 days in segregation;" and (4) the cuts to the victim did not result in serious injury. However, appellant's claims view the evidence in a light most favorable to him, rather than in a light most favorable to the State. They thus fail under this Court's standard of review.

Where, as here, the defendant does not admit to having specifically intended to kill his or her victim, "the trier of fact may infer the intent to kill from the surrounding circumstances[.]" *State v. Raines*, 326 Md. 582, 591 (1992). Accordingly, an intent to kill may "be determined by a consideration of the accused's acts, conduct and words." *Id.* (citation omitted). Moreover, "[a]n intent to kill may, under proper circumstances, be inferred from the use of a deadly weapon directed at a vital part of the human body." *State v. Earp*, 319 Md. 156, 167 (1990) (citing *State v. Jenkins*, 307 Md. 501, 514 (1986)). *See also* JUDGE CHARLES E. MOYLAN, JR., CRIMINAL HOMICIDE LAW § 3.2, at 44 (MICPEL

2002) ("First and foremost in the ranks of proof . . . is the permitted inference of an intent to kill from the directing of a deadly weapon at a vital part of the victim's anatomy.").

Here, several hours after threatening to "fuck up" the victim, appellant approached the victim while he was on the phone and then stabbed him once in his flank and twice in the back of his head, both vital parts of his body. We are persuaded that evidence was sufficient to permit the inference that appellant intended to kill the victim. To be sure, there was evidence that could have given rise to other permitted inferences, including that appellant only intended to injure the victim. But "the availability of other permitted inferences does not in any way negate or compromise the validity and the legal sufficiency of the permitted inference of the intent to kill." *Chisum v. State*, 118 Md. App. 136 (2016). Consequently, we shall affirm the judgments of the circuit court.

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