

Circuit Court for Queen Anne's County
Case No. C-17-CR-20-000165

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1094

September Term, 2020

SHURON DOUGLAS

v.

STATE OF MARYLAND

Graeff,
Zic,
Raker, Irma S.,
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 28, 2021

*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 jury trial in the Circuit Court for Queen Anne’s County, Shuron Douglas, appellant, was convicted of reckless endangerment and neglect of a minor. On appeal, he claims that there was insufficient evidence to sustain his convictions because the State failed to prove that his actions created a substantial risk of serious physical injury or a substantial risk of harm to the minor child’s physical health.

Although appellant made a motion for judgment of acquittal at the close of the State’s evidence, he then presented evidence and failed to renew his motion for judgment of acquittal at the close of all the evidence. Consequently, his claims are not preserved for appellate review. *See Hobby v. State*, 436 Md. 526, 540 (2014) (“[A] defendant is required to renew a motion for judgment of acquittal at the close of all the evidence or to argue anew why the evidence is insufficient to support a particular conviction.”); *Haile v. State*, 431 Md. 448, 464 (2013) (noting that a motion for judgment of acquittal at the end of the State’s case “has no viability unless it is renewed, if counsel moves, again, for judgment of acquittal after the close of all evidence”).

But even if the issue had been preserved, appellant’s claim lacks merit. 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) (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) (internal quotation marks and 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).

The jury convicted appellant of reckless endangerment and neglect of a minor. To establish the crime of reckless endangerment, the State was required to prove that appellant “recklessly” engaged “in conduct that create[d] a substantial risk of death or serious physical injury to another[.]” Crim. Law Art. § 3-204(a)(1). To convict appellant of neglect of a minor the State was required to prove that he had “permanent or temporary care or custody or responsibility for the supervision of a minor” and that he neglected that minor. Crim. Law Art. § 3-602.1(b). Neglect is defined as “the intentional failure to provide necessary assistance and resources for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor’s physical health or a substantial risk of mental injury to the minor.” Crim. Law Art. § 3-602.1(a)(5)(i).

At trial, the State presented evidence that appellant agreed to watch his girlfriend’s 3-year-old child while she was at work. He then drove the child to a car wash where he ingested PCP by smoking a dipped cigarette while the child was in the back seat. As a result, he became extremely intoxicated and fainted, causing an onlooker to call 911. When the police arrived, appellant was in an “altered mental status,” incoherent, and unable to walk or speak clearly.¹ After appellant was placed into an ambulance for observation, he became aggressive, kicked off the buckles from the stretcher, exited the ambulance, proceeded to rip off his shirt, and “chest bumped” one of the officers. The officers

¹ A video of appellant’s interactions with the police at the car wash was played for the jury.

eventually had to use Haldol to restrain appellant because they were concerned for their safety. Several of the State’s witnesses also testified about common side effects when a person ingests PCP including agitation, combativeness, “extreme aggression” and causing harm to themselves or others. Moreover, appellant admitted that he had previously “blacked out” while using PCP.

Viewing this evidence in a light most favorable to the State, the jury could reasonably find that appellant had created both a substantial risk of serious physical injury and a substantial risk of harm to the minor child’s physical health when, having sole responsibility for the care of the minor child, he ingested a drug that caused him to pass out and then act erratically and aggressively towards others. Moreover, the fact that the child was ultimately not harmed by appellant’s conduct is irrelevant as “it is enough that [appellant] created an unnecessary risk that his conduct *might* have caused the harmful result.” *In re David P.*, 234 Md. App. 127, 142 (2017) (emphasis in original). Consequently, the State presented sufficient evidence to sustain appellant’s convictions.

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