

Circuit Court for Washington County
Case No. 21-K-16-052522

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1482

September Term, 2017

JAMES ROBINSON

v.

STATE OF MARYLAND

Woodward, C.J.,
Graeff,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 21, 2018

*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 Washington County, James Robinson, appellant, was convicted of second-degree assault and maliciously causing an employee of a State correctional facility to come into contact with bodily fluid. Robinson’s sole claim on appeal is that there was insufficient evidence to sustain his convictions. For the reasons that follow, we 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) (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) (quoting *Abbott v. State*, 190 Md. App. 595, 616 (2010)). 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) (quoting *Harrison v. State*, 382 Md. 477, 487-88 (2004)). Whether a conviction is based on direct evidence, circumstantial evidence, or both does not affect our review. *Id.*

On appeal, Robinson specifically asserts that there was insufficient evidence to support his second-degree assault conviction because the State failed to prove that his conduct was an “intentional or reckless act as opposed to an accidental act[.]” He also claims that the State failed to prove that he acted “maliciously” because there was no evidence that he specifically intended for the correctional officer to come into contact with his bodily fluid. Both claims lack merit. The jury could reasonably find that Robinson

both intended to assault the correctional officer and intended for his feces and urine to make contact with the correctional officer based on the evidence that he (1) collected feces and urine in a milk carton in advance; (2) waited for the correctional officer to open the slot to his cell door; (3) immediately put his arm out of the slot; and (4) then “threw the feces” out of his slot at a time when he knew someone would be outside. *See generally Jones v. State*, 213 Md. App. 208, 218 (2013) (“In determining a defendant’s intent, the trier of fact can infer the requisite intent from surrounding circumstances such as the accused’s acts, conduct and words.” (internal quotation marks and citation omitted)). Consequently, the State presented sufficient evidence to support Robinson’s convictions.

**JUDGMENT OF THE CIRCUIT
COURT FOR WASHINGTON
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**