

Circuit Court for Charles County
Case No. C-08-JV-19-000118

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1525

September Term, 2019

IN RE: D.E.

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

JJ.

PER CURIAM

Filed: May 6, 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.

Found by the Circuit Court for Charles County, sitting as the juvenile court, to have been involved in first degree assault, D.E., appellant, presents for our review a single question: whether the evidence is sufficient to sustain the adjudication. For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State called D.K., who testified that on April 1, 2019, he was in his Earth Systems class at St. Charles High School when D.E., who “was sitting on the other side of the classroom,” threw at D.K. a pair of full-size, metal scissors, the “sharp part” of which struck him in his chest. The State also introduced into evidence the following statement, which was written on the day of the offense by St. Charles High School Administrative Intern Marquelle Peavy, and signed by D.E.:

Today in class he kept on making ringing noises with his phone or something, and everyone in the class kept asking him to stop and he wouldn't. So I screamed and told him to stop because now it's getting annoying. A couple of minutes pass by and something was thrown at me so I through [sic] something back at him and he left class.

D.E. clarified that the “something” that he threw at D.K. was “scissors.”

D.E. contends that for numerous reasons,¹ the “evidence did not support a reasonable inference that [he] had the specific intent to cause serious physical injury to

¹These reasons include:

- “The evidence that the court relied upon in this case to find an intent to cause serious physical injury . . . pales in comparison to the kind of evidence found sufficient to sustain a conviction for first degree assault in every reported Maryland case addressing the issue.”
- “The actions supporting the specific intent to cause serious physical injury must pose a risk akin to the danger created by using a firearm.”

(continued)

D.K.” We disagree. We have stated that a fact-finder “may infer the necessary intent from an individual’s conduct and the surrounding circumstances,” and may also infer “that one intends the natural and probable consequences of his act.” *Chilcoat v. State*, 155 Md. App. 394, 403 (2004) (internal citations and quotations omitted). Here, the State presented evidence that D.E., who was “on the other side of the classroom” from D.K. and had engaged in an argument with him, threw at him a pair of full-size, metal scissors with sufficient force for the scissors to travel across the room and strike D.K. in his chest. From D.E.’s conduct and the surrounding circumstances, a rational trier of fact could infer that D.E. had the specific intent to cause D.K. a natural and probable consequence of throwing

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- “Serious physical injury is not the natural and probable consequence of throwing a pair of scissors especially without any specific information as to how they were thrown.”
 - “Evidence that one created a risk . . . is different from evidence of a specific intent to cause serious injury,” and “[t]he relatively small chance of that particular risk does not support a finding of specific intent to cause serious physical injury because a dangerous but improbable possibility is not a possible consequence.”
 - “[T]he State produced no evidence that [D.E.] threw the scissors hard,” and “[t]he complete lack of harm caused by the scissors suggests a lighter toss or lob rather than a launch.”
 - “To burden [D.E.] with a finding of involvement in a felony first-degree assault akin to the seriousness of firing a gun at someone based on his fourteen-year-old act of throwing scissors in frustration is grossly disproportionate to the risk his action actually created.”

a pair of full-sized, metal scissors, specifically serious physical injury, and hence, the evidence is sufficient to sustain the adjudication.

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