UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1549

September Term, 2016

RONDELL DAVON HALL

v.

STATE OF MARYLAND

Woodward, C.J.,
Kehoe,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 31, 2017

Rondell Davon Hall was convicted, by a jury, in the Circuit Court for Harford County, of second-degree assault and several other charges. On appeal, Hall claims that the evidence was insufficient to support his conviction for second-degree assault. For the following reasons, we shall affirm.

"The test of appellate review of evidentiary sufficiency is whether, 'after viewing 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.'" *Donati v. State*, 215 Md. App. 686, 718 (citation and some internal quotation marks omitted), *cert. denied*, 438 Md. 143 (2014). "[T]he test is 'not whether the evidence *should have or probably would have* persuaded the majority of fact finders but only whether it *possibly could have* persuaded *any* rational fact finder.'" *Anderson v. State*, 227 Md. App. 329, 346 (2016) (quoting *Painter v. State*, 157 Md. App. 1, 11 (2004)) (emphasis in *Painter*). In reviewing the sufficiency of the evidence, "[w]e 'must give deference to all reasonable inferences [that] the fact-finder draws, regardless of whether [we] would have chosen a different reasonable inference.'" *Donati*, 215 Md. App. at 718 (citation omitted). We do not consider evidence tending to support the defense theory of the case, as exculpatory inferences are not part of the version of the evidence most favorable to the State. *Cerrato-Molina v. State*, 223 Md. App. 329, 351, *cert. denied*, 445 Md. 5 (2015).

The court instructed the jury on the "attempted battery" variety of second-degree assault, which requires the State to prove "that the accused had a specific intent to cause physical injury to the victim" and that the accused took "a substantial step towards that injury." *Snyder v. State*, 210 Md. App. 370, 382 (citation omitted), *cert. denied*, 432 Md.

470 (2013). Hall contends that the evidence was not sufficient to support his conviction for second-degree assault because "there was no testimony to establish" the requisite intent. We disagree.

"Given the subjective nature of intent, the trier of fact may consider the facts and circumstances of the particular case when making an inference as to the defendant's intent." *State v. Manion*, 442 Md. 419, 434 (2015) (citations omitted), *reconsideration denied* (Apr. 17, 2015). Moreover, a fact finder may infer, from the conduct of a defendant, that "the defendant intended the natural and probable consequences of the defendant's actions." *Jones v. State*, 440 Md. 450, 457 (2014).

Viewed in the light most favorable to the State, the evidence at trial showed that two police officers were on crime suppression patrol in a high crime area when they became suspicious of Hall's vehicle, which was "just sitting [ ] with running lights on" in a "remote" part of a motel parking lot. When the officers approached on foot to investigate, Hall, who was sitting in the driver's seat, "starting going down below his seat" and disobeyed police orders show to his hands. Hall then put the vehicle in reverse, gear, and "looked back[,]" to where one of the officers was standing, five to six feet behind the vehicle. The officer stated affirmatively, and without objection, that Hall saw him when he looked back. Hall then "basically floored it" and "pushed on the gas at an extreme rate causing the vehicle to come at [the officer] very fast." The officer had to jump out of the way in order to avoid being struck by Hall's vehicle. Hall drove away, and the officer called in the tag number of the vehicle and told the dispatcher that "the subject just tried to

run [him] over." Hall was apprehended a short time later, after he led the police on a chase that ended when he crashed his vehicle.

This evidence was sufficient for the jury to have concluded: (1) that Hall saw the officer; (2) that physical injury was a "natural and probable consequence" of Hall rapidly accelerating his vehicle in the direction of the officer, who was standing six feet away; and, therefore, (3) that Hall intended to cause physical injury to the officer.

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