Circuit Court for Wicomico County
Case No. C-22-CR-17-000609

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 30

September Term, 2018

TERRY ALAN CORBETT, II

v.

STATE OF MARYLAND

Reed,
Friedman,
Alpert, Paul E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: April 25, 2019

Terry Alan Corbett, II was convicted of failure to obey a reasonable and lawful order of a police officer under section 10-201(c)(3) of the Criminal Law Article of the Maryland Code ("CR") and sentenced to 60 days incarceration. In this appeal, he argues that the evidence was insufficient to convict him of this crime. We disagree and affirm the conviction.

FACTS

The facts in Corbett's case occur in three separate and distinct phases.

The first phase occurred on July 4, 2017. Corbett was having an Independence Day barbeque with his girlfriend outside of her apartment building. Wicomico County Sherriff's Deputy Christian Pecoraro received a call for a burglary in progress at the same apartment building. When he arrived, Deputy Pecoraro attempted to question Corbett about the burglary. Corbett responded belligerently by declining to provide identification, yelling obscenities, and making threats. Deputy Pecoraro arrested Corbett and charged him with disorderly conduct and with obstructing and hindering a police officer.

The second phase occurred on August 21, 2017, when Corbett was scheduled for trial in the District Court of Maryland for Wicomico County on the two charges stemming from the July 4 barbeque. Corbett did not behave well in court and continually interrupted the district judge. Eventually, however, Corbett prayed a jury trial, necessitating a postponement and transfer of his case to the circuit court. The district judge directed Corbett to have a seat while he waited to receive the necessary paperwork. Corbett attempted to leave the courtroom and, when approached by court personnel, became belligerent, assumed a fighting stance, and demanded of them, "you want to fight me?"

Corbett was pushed against a wall and ordered to calm down. He refused. Deputy Sherriff Sam Workman took Corbett to a "back lockup area" where the two began a physical struggle. Police Officer Logan Wolf used his taser in an effort to subdue Corbett, who was eventually handcuffed and arrested. Corbett was charged with disorderly conduct, CR § 10-201(c)(2), resisting or interfering with arrest, CR § 9-408(b), and most importantly for our present purposes, with failure to obey a reasonable and lawful order of a police officer, CR § 10-201(c)(3).

The third phase occurred on March 7, 2018, when Corbett appeared for a jury trial in the Circuit Court for Wicomico County on the charges arising out of his behavior in the District Court on August 21.[1] Three courtroom officials testified against Corbett: Bailiff Larry Pruitt; Deputy Workman; and Officer Wolf. Corbett testified on his own behalf. Corbett was acquitted of disorderly conduct and resisting arrest, but convicted of failure to obey a reasonable and lawful order of a police officer.

ANALYSIS

Maryland law provides that "[a] person may not willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace." CR § 10-201(c)(3). Corbett argues that the evidence was insufficient to sustain his conviction under this statute *first*, because the order was not reasonable or lawful in that his business with the district court was complete when the order was given; and *second*, because the order was not made to prevent a disturbance of the public peace. In a challenge

[1] The charges stemming from the original July 4 incident were ultimately dropped.

to the sufficiency of the evidence, we are required to review the evidence in a light most favorable to the prosecution and affirm if we find that any rational trier of fact could have found the essential elements beyond a reasonable doubt. *Darling v. State*, 232 Md. App. 430, 465 (2017).

Corbett's first contention is that the order he is accused of violating was not reasonable and lawful. According to Corbett, by the time the order was given, his business in the district court was complete and the order to sit down and be quiet was therefore an unlawful restriction on his freedom of movement. As an initial matter, we note that this argument was not preserved for our review, because it was not discussed in Corbett's motion for judgment of acquittal.[2] *See Arthur v. State*, 420 Md. 512, 522 (2011). Even if it had been preserved, however, we find no merit in this argument. There was more than sufficient evidence for the trier of fact to have determined that while Corbett thought his business had been concluded, the district court and its personnel disagreed, and it is reasonable for the finder of fact to conclude that waiting to receive his "paperwork" was an important part of the proceedings. We therefore conclude that there is no merit in the contention that the order was not reasonable and lawful.

Corbett's second contention is that the evidence was insufficient to find that the order was given to prevent a public disturbance. The heart of Corbett's contention is that

[2] The only ground identified in Corbett's motion for judgment of acquittal was an alleged inconsistency between the charging document, which claimed the order was to "sit down and be quiet," and the evidence, which was that the order was to "sit down." In response, the State made an oral motion to amend the charging document. The trial judge denied both motions, noting that he considered any discrepancy to be "a distinction without a difference" and something for the jury to resolve.

he wanted to leave the courtroom (where there were fewer people) but that the officer's order made him stay in the courtroom (where there were more people). In this way, Corbett argues, the order *increased* the public disturbance. While Corbett's theory has some ironic appeal, ironic appeal is not the standard. Rather, we must determine whether there was sufficient evidence for the finder of fact to have found that the order was made to prevent any public disturbance. Here, Corbett was acting out in front of a courtroom full of people. Courtroom personnel attempted to minimize public disruption by ordering Corbett to sit down and behave. That he didn't is not the fault of the order, but of Corbett.

Corbett's theory of the case is structured around the idea that he is entitled to have police officers giving him orders that are perfectly suited to the situation—perfectly tailored both to the recipient of those orders and to the exact circumstances—or that he can avoid criminal liability for failure to obey. That is not now, nor has it ever been, the standard.

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