

Circuit Court for Baltimore City  
Case No. 118360016

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 560

September Term, 2019

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STEVEN WALKER

v.

STATE OF MARYLAND

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Arthur,  
Beachley,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 2, 2020

\*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 Baltimore City, Steven Walker, appellant, was convicted of first-degree assault, second-degree assault, and wearing or carrying a dangerous weapon based on his having stabbed the victim in the abdomen with a knife. On appeal, he contends that there was insufficient evidence to sustain his conviction for first-degree assault. For the reasons that follow, we shall 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)).

Section 3-202(a)(1) of the Criminal Law Article governs first-degree assault and provides, in part, that “[a] person may not intentionally cause or attempt to cause serious physical injury to another.” The statute defines “serious physical injury” as “physical injury that: (1) creates a substantial risk of death; or (2) causes permanent or protracted serious: (i) disfigurement; (ii) loss of the function of any bodily member or organ; or (iii) impairment of the function of any bodily member or organ.” Crim. Law § 3-201(d). To sustain a conviction for first-degree assault, the State must prove a defendant’s “specific

intent to cause, or attempt to cause, serious physical injury.” *Dixon v. State*, 364 Md. 209, 239 (2001).

Mr. Walker contends that the injury sustained by the victim, an approximately 1 cm stab wound that was treated with two staples, did not rise to the level of serious physical injury as is required to sustain a conviction for first-degree assault. In support of this contention, he distinguishes the facts in this case from *Chilcoat v. State*, 155 Md. App. 394 (2004), where the defendant struck his victim with a beer stein with enough force to cause two depressed skull fractures that required surgery, and *Cathcart v. State*, 169 Md. App. 379, 383 (2006), *vacated on other grounds*, 397 Md. 320 (2007), where the defendant punched a woman in the face and choked her until she lost consciousness, causing bilateral jaw fractures, a broken nose, and dislocated chin.

Mr. Walker asserts that a rational jury could not find that he intended to cause serious physical injuries because the victim was not hurt as badly as the victims in these cases. We disagree. Even if we assume that the victim’s injury did not rise to the level of “serious physical injury,” this Court recognized in *Brown v. State*, 182 Md. App. 138, 179 (2008), “an attempt to cause ‘serious physical injury,’ not merely a completed injury” is sufficient to sustain a conviction for first-degree assault. And “a jury may infer the necessary intent [to cause serious physical injury] from an individual’s conduct and the surrounding circumstances, whether or not the victim suffers such an injury.” *Chilcoat*, 155 Md. App. at 403.

Viewed in a light most favorable to the State, the evidence at trial established that Mr. Walker: (1) assaulted the victim inside Health Care for the Homeless in Baltimore City

by kicking him in the leg following an argument; (2) assaulted the victim a second time outside Health Care for the Homeless by attempting to punch the victim in the face; (3) followed the victim to a subway station after the victim left Health Care for the Homeless; (4) approached the victim on the escalator at the subway station, pulled out a knife with a seven-inch long blade, and put his finger in the victim’s face; and (5) during an ensuing altercation on the escalator, stabbed the victim in the stomach with the knife. Based on this evidence, we are persuaded that the jury could reasonably infer that Mr. Walker intended to cause serious physical injury to the victim when he stabbed the victim with the knife.<sup>1</sup> Consequently, the State presented sufficient evidence to sustain his first-degree assault conviction.

**JUDGMENTS OF THE CIRCUIT  
COURT FOR BALTIMORE CITY  
AFFIRMED. COSTS TO BE PAID  
BY APPELLANT.**

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<sup>1</sup> In fact, had it been asked to do so, the jury could have found that Mr. Walker intended to kill the victim, not just seriously injure him. *See State v. Raines*, 326 Md. 582, 591 (1992) (noting that is well established that “an intent to kill can be inferred from the use of deadly force directed at a vital part of the human body”); *Couser v. State*, 221 Md. 474, 475-76 (1960) (holding that the defendant’s act of stabbing a police officer in the thigh with a switchblade knife during an altercation was sufficient to show an intent to inflict grievous bodily harm).