

Circuit Court for Baltimore City
Case No. 120009010

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1047

September Term, 2021

VANDER HANCOCK

v.

STATE OF MARYLAND

Graeff,
Zic,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 1, 2022

*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.

Convicted by a jury in the Circuit Court for Baltimore City of second degree assault of Timothy Moody, Vander Hancock, appellant, presents for our review a single issue: whether the evidence is sufficient to sustain the conviction. For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State called Mr. Moody, whose sister is married to Mr. Hancock. Mr. Moody testified that on December 20, 2019, his nephew, Khalil Aleem, “woke [Mr. Moody] up frustrated” and “upset.” Mr. Moody “was awakened because” Mr. Hancock “broke into the house” and “wasn’t supposed to be there.” Mr. Moody and Mr. Hancock subsequently “got into an altercation as always,” and the two “fought.” During Mr. Moody’s testimony, the State submitted into evidence records of The Johns Hopkins Hospital indicating that after the fight, Mr. Moody was treated for a “stab wound in [his] left lower neck and upper chest soft tissues.”

The State later called Baltimore City Police Officer Gary Hines, who testified that he responded to Mr. Moody’s residence for “a cutting.” While Officer Hines was at the scene, Mr. Aleem “was treated for injury to his hand and his wrist,” and police recovered a knife. The officer also spoke with Mr. Hancock, who stated that “he entered the location from” the “upstairs window” on the “second floor,” because “nobody answered the phone or the door.”

The State also called Baltimore City Police Officer Jerry Roney, who testified that he responded to the residence and spoke with Mr. Hancock. Officer Roney stated:

He advised me that he lived there occasionally and he came to get his clothes. He advised me that he came through the window. And he then

advised that he was attacked when he came in the house when he was leaving out with his bag of clothes.

* * *

He said that he had a knife, his work knife with him. I can't recall if he said he took it out. But somehow the knife was in his hand and he said, I believe he said Khalil was holding his hands and that he was trying, that Khalil was trying to get the knife out of his hand and he didn't want him to get it. And that somehow, one of them or both of them got stabbed, got cut.

The State also submitted into evidence a recording, taken by police body camera, of Mr. Aleem, during which he stated: "The craziest thing about it is why him, he and my uncle is fighting, he was saying things like he came back here to get clothes." Mr. Aleem subsequently stated:

He went downstairs. So . . . then he came downstairs to go out – cause he kept saying that he's going to get his clothes and stuff like that. And I was just in my room putting my shoes on just in case something else happened. All I know is, I started hearing my mother and Uncle Timmy telling me that he got a knife. I came downstairs to get the knife and I didn't, he had cut me[.]

Mr. Aleem stated that he received one cut when he "picked up the knife by the blade," and confirmed that he received a second cut when Mr. Hancock "had the knife in his hand" and "fell" as he and Mr. Aleem fought.

Mr. Hancock contends that the evidence is insufficient to sustain the conviction, because the State failed "to present evidence from which the jury could infer beyond a reasonable doubt that Mr. Hancock acted intentionally or recklessly, that he did not injure Mr. Moody by accident, and that he did not act in self-defense." We disagree. The State presented evidence that as Mr. Moody slept, Mr. Hancock entered Mr. Moody's residence through a second-floor window. Mr. Hancock was in possession of a knife and was not

“supposed to be” in the residence. Mr. Hancock subsequently fought with both Mr. Aleem and Mr. Moody. Mr. Aleem suffered a cut to his hand, and Mr. Moody was subsequently treated for a stab wound. While speaking with police officers, Mr. Hancock conceded, and Mr. Aleem confirmed, that during the fight, “the knife was in [Mr. Hancock’s] hand,” and Mr. Hancock “didn’t want [Mr. Aleem] to get it.” Finally, Mr. Moody indicated that he and Mr. Hancock had previously engaged in “altercations.” We conclude that this evidence could convince a rational trier of fact beyond a reasonable doubt that Mr. Hancock intentionally or recklessly stabbed Mr. Moody, did not injure Mr. Moody by accident, and did not act in self-defense, and hence, the evidence is sufficient to sustain the conviction.

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