Circuit Court for Worcester County
Case No. C-23-CR-24-000044

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1424

September Term, 2024

CALEB RYLAND JADWIN

v.

STATE OF MARYLAND

Albright,
Kehoe, S.,
Pauler, Viki M.,
(Specially Assigned)

JJ.

Opinion by Albright, J.

Filed: May 18, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In the Circuit Court for Worcester County, a jury convicted Appellant Caleb Ryland Jadwin of first-degree assault, carrying a concealed dangerous weapon, reckless endangerment, and second-degree assault, all stemming from a run-in Mr. Jadwin had with the police and a private security guard after Mr. Jadwin was thrown out of an Ocean City bar. After merging some of the convictions,[1] the circuit court sentenced Mr. Jadwin to twenty years' imprisonment and suspended all but five years on the condition that Mr. Jadwin complete three years of supervised probation after his release. This timely appeal followed.

Here, Mr. Jadwin challenges the sufficiency of the evidence to support two of his four convictions. We rephrase his questions presented slightly as follows:[2]

[1] Mr. Jadwin was charged with first-degree assault (Count I), carrying a dangerous weapon (Count II), reckless endangerment (Count III), and second-degree assault (Counts IV-VII). Counts V and VI were *nolle prossed*. Mr. Jadwin moved for judgment of acquittal on Count VII and the court granted it. Mr. Jadwin was convicted by the jury of Counts I, II, III, and IV. Counts III and IV were merged into Count I because they were lesser included offenses of Count I. When the court proceeded to sentencing, Count II was also merged solely for the purposes of sentencing.

[2] In Mr. Jadwin's words, he questions:

> 1. Is the evidence insufficient to sustain Mr. Jadwin's conviction of first-degree assault?
>
> 2. Is the evidence insufficient to sustain Mr. Jadwin's conviction of carrying a concealed dangerous weapon where he carried a folding utility knife?

I. Is there sufficient evidence to sustain Mr. Jadwin's first-degree assault conviction?

II. Is there sufficient evidence to sustain Mr. Jadwin's conviction for carrying a concealed dangerous weapon?

We conclude that the evidence was sufficient as to Count I, first-degree assault, but insufficient as to Count II, carrying a concealed dangerous weapon. Accordingly, we will affirm in part, reverse in part, and remand for resentencing on Count I.

BACKGROUND

Outside the Bar

On January 27, 2024, security camera footage shows that Cork Bar security guard Cody Lemp and his partner ejected Mr. Jadwin after Mr. Jadwin put his arm around the shoulder of another guard. Outside the bar, Mr. Jadwin grabbed Mr. Lemp's collar and punched upwards. Security camera footage shows that Mr. Lemp and another security guard body-slammed Mr. Jadwin "with a double leg takedown" in response. Upon release, Mr. Jadwin stood and began to "bang[] his head against the wall." Mr. Lemp then put Mr. Jadwin in a chokehold on the ground to stop him from continuing to harm himself. This is when police arrived.

Officer Nolan Kilchenstein arrived first and separated Mr. Jadwin from Mr. Lemp, leading Mr. Jadwin to a nearby bench area away from the bar. To Officer Kilchenstein, Mr. Jadwin seemed frustrated and did not respond to questions, vacillating between cooperation and agitation. Officer Kilchenstein declined to describe him as "disorderly" at that time. Sergeant Aaron Morgan, who arrived shortly thereafter, described Mr. Jadwin as "kind of laid back." Sergeant Morgan stayed with Mr. Jadwin while Officer

Kilchenstein went to Cork Bar to continue the investigation. Police Officer First Class ("PFC") Koser arrived at this time, describing Mr. Jadwin as "very argumentative and uncooperative" with other officers. Due to Mr. Jadwin's speech, appearance, and the smell of alcohol about him, Mr. Jadwin appeared intoxicated to all three officers. Officer Kilchenstein "did not believe [Mr. Jadwin] to be in a sound mental state at the time[.]"

Officer Kilchenstein returned to the bench area and Sergeant Morgan gave Mr. Jadwin a trespass warning. Although they had tried to send Mr. Jadwin home after this, Mr. Jadwin declined to leave and attempted to re-engage with the private security officers, including harassing them and "yank[ing] on one of their beards." After Mr. Jadwin walked away from, and then returned again to, the security guards, Sergeant Morgan put his arm around Mr. Jadwin and tried to walk him away from the bar, down a ramp. This is when Mr. Jadwin assaulted Sergeant Moran.

The Incident

According to Sergeant Morgan, he felt Mr. Jadwin turn towards him while they walked away from the bar and heard Mr. Jadwin open his knife:

> STATE: Can you describe to me, as you were walking down that ramp, what happened?
>
> SERGEANT MORGAN: So we were -- so we were walking down the ramp. Sorry. As we're walking down the ramp, there's a gentleman that was there, you know, with a cane or something there to our left. As soon as we got past him, again, he was -- he was upset. And then -- as we were approaching the guy, I forget what I said to him, but I was, like, you're free to go or, hey, you're not under arrest, but let's get you out of here. He kept on saying, me, me. Then as soon as we got past this elderly gentleman, I felt his body shift, and then I heard a distinct sound of a knife opening, and I felt his body twist. At the same time, there's officers that were behind me, I think he yelled, whoa, or something like that. And that noise, I know what that noise is

because it's just a distinct metallic opening sound. And just me in my brain I thought that's a knife. I shove him away. As I was shoving him away, I was able to see that there was a knife in his hand or some type of bladed object in his hand. And then as we're drawing our guns at him, he had dropped the knife, and again, as he was stumbling away from being shoved, and then he raised his hands up, and then we ordered him to the ground.

Officer Kilchenstein did not see the knife drawn, but reacted when the other officers did and saw Mr. Jadwin drop the knife:

OFFICER KILCHENSTEIN: Sergeant Morgan attempted to lead him down the ramp towards the ocean block of Wicomico Street, and at that point Mr. Jadwin pulled a knife from his pocket and attempted to stab Sergeant Morgan.

. . .

STATE: As Sergeant Morgan attempted to walk Mr. Jadwin down the ramp, where were you positioned?

OFFICER KILCHENSTEIN: I was behind Sergeant Morgan and PFC Koser.

STATE: Okay. And as this unfolded, did you ever react to the situation?

OFFICER KILCHENSTEIN: I did. As I observed Sergeant Morgan and PFC Koser draw their handguns, I believe that behavior to be indicative of Mr. Jadwin possessing a weapon, so I also draw my department-issued handgun.

STATE: And once that happened, how did Mr. Jadwin respond?

OFFICER KILCHENSTEIN: He was compliant, and he went to the ground and complied with all of our orders.

PFC Koser testified to seeing the knife drawn as Mr. Jadwin turned towards Sergeant Morgan:

STATE: And do you know if Mr. Jadwin was ever escorted down the ramp by Sergeant Morgan?

PFC KOSER: Yes.

STATE: And when that happened, where were you located?

PFC KOSER: I was walking directly behind Sergeant Morgan and Mr. Jadwin.

STATE: And as that progressed, what, if anything, did you notice?

PFC KOSER: At one point as we were walking him down the ramp, I noticed Mr. Jadwin flipped open a box cutter style knife.

STATE: And then what happened?

PFC KOSER: And then he turned his body towards Sergeant Morgan and appeared to lunge at him with the knife.

STATE: And in response to that, what did you do?

PFC KOSER: I drew my firearm and I targeted with him. I told him to stop and drop the knife to which he complied.

The screenshots of PFC Koser's body worn camera footage corroborate the officers' testimony. The body camera footage also indicates that just before the knife was drawn, Sergeant Morgan told Mr. Jadwin that he did not want him to "go to jail."

After the Incident

Once detained, Mr. Jadwin started banging his head against the sidewalk, prompting police to restrain him further. He repeated this behavior at the police station until he started bleeding, prompting a call to emergency medical services ("EMS"). EMS sedated Mr. Jadwin.

Mr. Jadwin's Testimony

Mr. Jadwin testified that on January 27, 2024, he had been working on his car using the utility knife that he carries with him every day.

After working on his car, Mr. Jadwin drank a beer at home and then went to a casino, where he drank at least one more alcoholic beverage. Mr. Jadwin did not recall how long he was at the casino, but some time thereafter, he caught an Uber or Lyft to a 7-Eleven near Cork Bar. Mr. Jadwin did not recall anything until the point that he woke up

at the hospital around 2:00 or 3:00 in the morning. Mr. Jadwin knew of no reason why he would have harmed Sergeant Morgan.

The Motions for a Judgment of Acquittal

At the close of the State's case, Mr. Jadwin moved for acquittal. He contended, with regards to Count I, that "the State failed to prove, even viewing the evidence in the light most favorable to the State, that [he had] committed first-degree assault against Sergeant Morgan." Specifically, Mr. Jadwin claimed, "the [body worn camera footage] did not show Mr. Jadwin lunging at Sergeant Morgan or attempting to stab him." Regarding Count II, Mr. Jadwin argued that "the [pen]knife exception appears to apply in this case." The circuit court denied Mr. Jadwin's motion as to both counts. When Mr. Jadwin repeated his motion at the close of all of the evidence, the circuit court again denied it.

STANDARD OF REVIEW

We review questions of law de novo. *Roes v. State*, 236 Md. App. 569, 583 (2018). When considering whether the evidence is sufficient to sustain a conviction, we do not consider "whether the verdict is in accord with what appears to be the weight of the evidence," but rather whether the evidence, when viewed in the light most favorable to the prosecution, is enough to convince a rational trier of fact of the defendant's guilt beyond a reasonable doubt. *Brice v. State*, 256 Md. App. 470, 487–88 (2022).

Although the factfinder may not "resort to speculation or conjecture," *State v. Smith*, 415 Md. 174, 185 (2010) (cleaned up), "the finder of fact has the ability to choose

among differing inferences that might possibly be made from a factual situation." *Brice*, 256 Md. App. at 487–88 (cleaned up).

DISCUSSION

I. The evidence was sufficient to support the jury's first-degree assault verdict.

Mr. Jadwin contends that

> [e]ven after viewing the evidence in the light most favorable to the State, no rational trier of fact could have found, beyond a reasonable doubt, that Mr. Jadwin had a **specific intent to cause serious physical injury** to Sergeant Morgan **or that he attempted to cause serious physical injury** to Sergeant Morgan.

(Emphasis added.) We disagree.

Criminal assault covers "three distinct ideas: (1) [a] consummated battery or the combination of a consummated battery and its antecedent assault; (2) [a]n **attempted battery**; and (3) [a] placing of a victim in reasonable apprehension of an imminent battery." *Lamb v. State*, 93 Md. App. 422, 428 (1992) (emphasis added). "The statutory offense of second-degree assault encompasses three modalities: (1) intent to frighten, (2) attempted battery, and (3) battery." *Snyder v. State*, 210 Md. App. 370, 382 (2013).

Maryland law elevates second-degree assault to first-degree assault when a "person [] intentionally cause[s] or attempt[s] to cause serious physical injury to another." Md. Code Ann., Crim. Law ("CR") § 3-202(b)(1). A serious injury is any physical injury that "creates a substantial risk of death; or causes permanent or protracted serious: disfigurement; loss of the function of any bodily member or organ; or impairment of the function of any bodily member or organ." CR § 3-201(d).

Put simply, first-degree assault

> requires proof of all the elements of assault in the second-degree [i.e., committed battery, attempted battery, or placed an individual in imminent apprehension of a battery] and at least one of the statutory aggravating factors spelled out in CR § 3-202(b). Those factors are (1) intentionally causing or attempting to cause serious physical injury to another; (2) using a firearm to assault another; and (3) assaulting another by intentional strangulation.

Lewis v. State, 263 Md. App. 631, 648 (2024) (cleaned up), *reconsideration denied* (Dec. 30, 2024).

First-degree assault is a specific intent crime, meaning that the State must prove not just that the defendant intended to do the alleged act, but that the defendant also did so with "the additional deliberate and conscious purpose or design of accomplishing a very specific and more remote result." *Genies v. State*, 426 Md. 148, 159 (2012) (cleaned up). In the context of first-degree assault, this means that the State must prove "that the accused had a specific intent to cause physical injury to the victim, and to take a substantial step toward that injury." *Snyder*, 210 Md. App. at 382. Such specific intent may be inferred "from an individual's conduct and the surrounding circumstances, whether or not the victim suffers such an injury. Also, the jury may infer that one intends the natural and probable consequences of his act." *Chilcoat v. State*, 155 Md. App. 394, 403 (2004) (cleaned up). The instant case deals with an alleged assault of the attempted battery variety.

Viewing the evidence in the light most favorable to the State, a reasonable jury could rationally infer that Mr. Jadwin intentionally attempted to cause serious harm to Sergeant Morgan. According to the collective testimony of the witnesses, the body

camera footage, and the stills thereof, only minutes before this confrontation, Mr. Jadwin engaged in several acts of violence towards himself and Mr. Lemp. Leading up to the incident, Mr. Jadwin was confronted with repeated attempts by law enforcement to remove him from the area around the bar, who raised the prospect of Mr. Jadwin being jailed. As he drew the knife, he not only extended the blade, but also turned himself (and the blade) towards the officer, placing him within arms' reach, and crouched slightly.

Mr. Jadwin attempts to overcome these facts by arguing that (1) the evidence is insufficient to support a finding that he "lunged" at Sergeant Morgan, (2) a reasonable jury could not infer specific intent from his actions, and (3) he was too intoxicated to form specific intent anyways. Each of these arguments fails. We take them in turn.

First, Mr. Jadwin's contention that "[w]hen [he] pulled out a knife, [he] did not move his arm to use it, and immediately dropped it when instructed to" does not actually rebut any of the above facts. It remains uncontested that Mr. Jadwin pulled out a knife, extended the blade, and turned towards Sergeant Morgan. As we stated above, our role is not to reweigh the evidence, but to examine whether, in the light most favorable to the State, there are sufficient facts for a reasonable jury to find the defendant guilty beyond a reasonable doubt. *Brice*, 256 Md. App. at 487–88. When viewed in the light most favorable to the State, the above facts—pulling out a knife, extending the blade, and turning to face Sergeant Morgan—are sufficient to support the jury's conclusions as to Mr. Jadwin's conduct.

Second, Mr. Jadwin's argument that a reasonable jury could not infer from his actions that he intended to stab Sergeant Morgan because "[h]e neither shot at anyone, nor actually injured anyone, **nor tried to**" is unpersuasive. (Emphasis added). Section 3-202 of the Criminal Law Article expressly permits findings of first-degree assault where the defendant attempted to cause a serious physical injury but failed to do so. "The attempted battery variety of assault requires that the accused had a specific intent **to cause physical injury to the victim**, and to **take a substantial step towards that injury**." *Snyder*, 210 Md. App. at 382 (emphasis added).[3] Again, reviewing the evidence

[3] Mr. Jadwin offers six other first-degree assault cases wherein the defendant shot at or successfully injured the victim.

Mr. Jadwin cites *Brown v. State*, 64 Md. App. 324, 330–31 (1985) (finding that the defendant's intent could not be inferred because he pointed a gun at the victim but made no indication that he would or even could use it and stating, by contrast, "[t]here can be no doubt that, if the assailant . . . even shoots at a vital part of the victim's body, the requisite intent to murder may be found by factual inference"), and *Snyder*, 210 Md. App. at 382 (affirming defendant's first-degree assault conviction where he fired a gun into the victim's home while the victim was not present therein), to imply that because "many cases with inferred specific intent to cause a serious physical injury are shootings" that the absence of a gun in the instant case precludes a finding of inferred intent.

He goes on to cite *Chilcoat*, 155 Md. App. At 403–04 (defendant beats victim with a beer stein); *In re Lavar D.*, 189 Md. App. 526, 590 (2009) (defendant participated in a physical beating of the victim); *Scott v. State*, 230 Md. App. 411, 442–43 (2016) (defendant stomped on the victim's face); *Cathcart v. State*, 169 Md. App. 379, 393–94 (2006), *vacated on unrelated grounds*, 397 Md. 320 (2007) (defendant choked and punched victim in the face) as support for the proposition that because another large set of inferred specific intent cases involve the defendant physically harming the victim, such intent may not be inferred absent a completed assault. Mr. Jadwin describes this second set of cases as ones in which the defendant took "actions . . . that would reasonably lead to a victim getting seriously hurt."

All six of these cases are factually distinct to the point of irrelevance, involving different forms of criminal assault. Maryland Criminal Law Section 3-202 expressly provides that shootings, completed assaults, strangulation, and "attempt[s] to cause

in the light most favorable to the State, we conclude that a reasonable jury could infer from Mr. Jadwin's opening his knife blade and lunging toward Sergeant Moran that he took a substantial step toward stabbing Sergeant Moran and intended to harm him. It is true that Mr. Jadwin did not shoot at Sergeant Morgan, nor successfully injure him, but to contend that Mr. Jadwin did not "tr[y] to" harm Sergeant Morgan in that moment improperly minimizes his behavior.

Third and finally, Mr. Jadwin's argument that he was too intoxicated to form the specific intent required for the first-degree assault charge also fails. Mere drunkenness is insufficient to support a voluntary intoxication defense. Instead, specific intent may be negated if the defendant is "so severely impaired that he could not form the intent necessary to constitute his crimes." *Bazzle v. State*, 426 Md. 541, 555 (2012). Moreover, whether defendant's intoxication is such as to preclude a finding of specific intent is a question of fact to be determined by the jury. *Id*. Here, the jury did have sufficient information upon which it could reasonably conclude that Mr. Jadwin was not so intoxicated as to prevent him from forming specific intent. Specifically, Mr. Jadwin's decision to withdraw the knife, extend its blade, and lunge towards Sergeant Morgan immediately after he was removed from the bar area and the Sergeant raised the prospect of jail, may be considered evidence of his ability to form specific intent.

serious physical injury to another" are equally legitimate modalities of first-degree assault. CR § 3-202(b)(2) ("A person may not intentionally cause or attempt to cause serious physical injury to another."). Mr. Jadwin's suggestion that the absence of a shooting or completed assault in the instant case somehow precludes a finding of the requisite intent is inconsistent with the plain language of Section 3-202.

Mr. Jadwin's sufficiency claim fails.

II. The evidence was insufficient to support the jury's carrying a dangerous weapon verdict.

Both Mr. Jadwin and the State agree that, because the utility knife involved in this incident meets the definition of a "penknife without a switchblade" under Maryland law, Mr. Jadwin should not have been convicted of carrying a concealed dangerous weapon under Count II. We concur.

Carrying a concealed dangerous weapon occurs when an individual "wear[s] or carr[ies] a dangerous weapon of any kind concealed on or about the person." CR § 4-101(c)(1). Dangerous weapons include "a dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, and nunchaku[,]" but not a handgun or "penknife without a switchblade." CR § 4-101(5)(i)–(ii).

A "penknife without a switchblade" is "any knife with the blade folding into the handle, some very large." *Thornton v. State*, 162 Md. App. 719, 736 (2005), *rev'd on other grounds*, 397 Md. 704 (2007). By contrast, a "switchblade," or a "switchblade knife," is "a pocketknife having the blade spring-operated so that pressure on a release catch causes it to fly open from its position folded in the handle." *Bacon v. State*, 322 Md. 140, 149 (1991).

The parties agree that Mr. Jadwin's utility knife is not "spring operated" and that it folds into its handle. Because Mr. Jadwin's knife meets the definition of a "penknife without a switchblade," Mr. Jadwin did not violate Section 4-101 by carrying it concealed.

III. Remand for Resentencing

At oral arguments, Mr. Jadwin requested that, should we reverse the carrying a concealed dangerous weapon charge but affirm the first-degree assault charge—as we have done—we remand for resentencing as to Count I.

"If the Court concludes that error affects a severable part of the action, the Court, as to that severable part, may reverse or modify the judgment **or remand the action to a lower court for further proceedings** and, as to the other parts, affirm the judgment." Md. Rule 8-604. Where we have found error as to a merged count, it is proper to vacate the sentence for that particular count without reversing the conviction as to the greater count and remand for resentencing. *Twigg v. State*, 447 Md. 1, 18 (2016).

Count II was merged "into Count I for the purpose of sentencing." To that end, the sentencing court levied its sentence exclusively under Count I, first-degree assault. Nonetheless, the record leaves unclear whether the sentencing court considered the fact that Mr. Jadwin had been convicted of two independent crimes in determining what the appropriate sentence was for Count I.

Since we reverse Count II, we exercise our discretion to remand Count I to the sentencing court so that it may resentence Mr. Jadwin solely on Count I without consideration of the now-reversed carrying a concealed dangerous weapon charge. We express no opinion, one way or the other, as to whether the sentencing court should (or should not) impose the same sentence. On remand, we leave to the sentencing court

whether to receive (or not receive) additional evidence, including evidence about Mr. Jadwin's progress since he was last sentenced in this matter.

JUDGMENT OF THE CIRCUIT COURT FOR WORCESTER COUNTY REVERSED AS TO COUNT II.

SENTENCE FOR ASSAULT IN THE FIRST DEGREE VACATED. JUDGMENTS OTHERWISE AFFIRMED.

CASE REMANDED FOR RESENTENCING ON COUNT I CONSISTENT WITH THIS OPINION.

COSTS TO BE DIVIDED EVENLY BETWEEN APPELLANT AND WORCESTER COUNTY.