Circuit Court for Prince George's County
Case No. C-16-CR-24-001552

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 2408

September Term, 2024

VICTOR ANTONIO GLASCOE

v.

STATE OF MARYLAND

Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 31, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Prince George's County, Victor Antonio Glascoe, appellant, was convicted of three counts of second-degree assault and one count of carrying a concealed dangerous weapon. His sole contention on appeal is that there was insufficient evidence to sustain his conviction for carrying a concealed dangerous weapon. For the reasons that follow, we shall affirm.

Viewed in the light most favorable to the State, the evidence at trial established that appellant went to a 7-11 and attempted to use his EBT card to purchase a pack of cigarettes. When the cashier told him that he could not pay using that method, he pulled out a "knife" from his pocket causing her to "scream" and run away. When the manager came out of the back room to see what was happening appellant "pulled the knife or box cutter out [and] was just like swiping at [her], no, lunging at [her]." He also threatened to "kill" her. At this point, another employee came out of the office, and appellant turned his attention to that employee saying the "same thing," that he would "kill" her. This allowed the manager to "get away," go to the back room, and grab a golf club. The manger then came back out and began to hit appellant with the golf club, until he finally left the store. When the police arrived, they recovered a box cutter on the floor, which was admitted into evidence.

On appeal, appellant contends that there was insufficient evidence to sustain his conviction for carrying a concealed dangerous weapon because the State failed to prove that the box cutter was, in fact, a dangerous weapon. We disagree. 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) (quotation marks and 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 4-101(c)(1) of the Criminal Law Article provides that a "person may not wear or carry a dangerous weapon of any kind concealed on or about the person." The term "'[w]eapon' includes a dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, and nunchaku." Crim. Law Art. § 4-101(a)(5). To prove a violation of CR § 4-101(c)(1), the State must establish that: (1) the weapon in question was one of the weapons listed or considered to be a dangerous or deadly weapon; (2) the defendant was wearing or carrying the weapon; and (3) the weapon was concealed upon or about the person. *In re Colby H.*, 362 Md. 702, 711-12 (2001).

For weapons not specifically listed in CR § 4-101(a)(5), the trier of fact is permitted to determine whether the instrument constitutes a "dangerous or deadly weapon," based on the circumstances. *See Anderson v. State*, 328 Md. 426, 438 (1992). In *Anderson*, the Court explained that such a determination requires a finding, based on all of the circumstances, that the person had "at least the general intent to carry the instrument for its use as a weapon, either of offense or defense." *Id.* Whether a defendant possessed the requisite intent is a question of fact to be determined by the jury. *Id.*

Appellant contends that a "box cutter" is not a *per se* dangerous weapon and that the State failed to prove that he had the general intent to carry it for its use as a weapon. However, the jury could reasonably infer that appellant intended to carry the box cutter for use as a weapon based on the evidence that, immediately upon having a disagreement with the cashier, he pulled the box cutter out and began to use it as a weapon by brandishing it at three employees, and threatening to kill two of them. In other words, the fact that appellant, unprovoked, elected to use the box cutter as a weapon was more than sufficient evidence that he was carrying the box cutter with the intent to use it as such. Consequently, the court did not err in denying appellant's motion for judgment of acquittal with respect to that offense.

JUDGMENTS OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.