

Circuit Court for Somerset County
Case No. C-19-CR-23-000183

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 109

September Term, 2024

TERRY A. CORBETT

v.

STATE OF MARYLAND

Leahy,
Zic,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 7, 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.

Convicted by a jury in the Circuit Court for Somerset County of reckless endangerment, Terry A. Corbett, appellant, presents for our review a single issue: whether the evidence is insufficient to sustain the conviction. For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State produced evidence that at approximately 9:20-9:30 p.m. on July 24, 2023, Eli Nunez and his brother Gerson Diaz were driving their cars from Ocean City to Pennsylvania when they stopped at a gas station in Westover known as “Goose Creek.” Mr. Nunez and Mr. Diaz’s wives and children were in their respective cars. While Mr. Nunez and Mr. Diaz were putting gas in their cars, a man, whom Mr. Nunez identified in court as Mr. Corbett, “[c]ame from the back of” one of the cars “asking for money.” Mr. Diaz stated: “[W]e don’t have no cash.” Mr. Corbett replied: “I don’t need cash, I have money.” Mr. Corbett then “pulled his hoodie . . . or . . . sweater and grabbed [a] knife.” When Mr. Corbett saw Mr. Nunez’s children, he stated, “how are you,” and “left.” When Mr. Nunez walked “to the gas station to get [a] receipt,” Mr. Corbett returned and came “straight to” him. Mr. Corbett, who appeared to Mr. Nunez to be “drunk,” “start[ed] talking” to Mr. Nunez, “grabbed the knife again,” and “pull[ed] it.” Mr. Diaz, who “was behind” Mr. Nunez, took the knife from Mr. Corbett and placed it “on top of [a] machine.” Mr. Nunez testified that the knife was “big,” like “a kitchen knife.” Police soon arrived and were able to get “everything[] under control.” During Mr. Nunez’s testimony, the State played for the jury video recordings made by the gas station’s surveillance cameras. During cross-examination, Mr. Nunez testified that Mr. Corbett “was angry, because” Mr. Nunez and Mr. Diaz did not “give [him] a ride [or] money.” Mr. Nunez also confirmed

that Mr. Corbett had the knife “out in his hand pointing it,” and Mr. Diaz “took it away from him.”

The State also called Mr. Diaz, who testified that while he and Mr. Nunez “were pumping gas,” a man, whom Mr. Diaz identified in court as Mr. Corbett, approached and “ask[ed] for five dollars.” When Mr. Diaz replied that he did not have any cash, Mr. Corbett replied: “I don’t want no money, I want a ride. I need you to take me somewhere.” Mr. Corbett also “showed [Mr. Diaz a] weapon.” Mr. Corbett “approached [Mr. Diaz] a little bit closer,” but “walk[ed] away whenever [Mr. Diaz] told him to.” When Mr. Nunez “went in . . . to grab . . . the receipt,” Mr. Corbett “approached him.” Mr. Diaz “start[ed] to come towards” Mr. Corbett, and “saw the weapon again.” Mr. Corbett, who had a “bottle of beer . . . on [his] left-hand side,” was “trying to grab something . . . from his side.” Mr. Diaz “knew by then [that Mr. Corbett] had a knife.” Mr. Diaz “reached . . . the knife,” “took it away,” and “put it . . . on top of the pump.” During cross-examination, Mr. Diaz confirmed that Mr. Corbett “[h]ad . . . pulled [the knife] out,” and Mr. Diaz “grab[bed] it from his hands.”

The State also produced evidence that after police arrived at the gas station, an officer discovered and seized the knife. The State displayed the knife to the jury, and entered into evidence a photograph of the knife. The photograph depicts the knife with a black cover over the blade. The police officer that took custody of the knife and “put it into evidence” confirmed that when he did so, the knife “ha[d] a cover to it.” Following the close of the evidence, the jury convicted Mr. Corbett of reckless endangerment of Mr. Nunez.

Mr. Corbett contends that because the “knife was in its cover” throughout his encounter with Mr. Nunez, the evidence is insufficient to sustain the conviction. We first note that neither Mr. Nunez nor Mr. Diaz specifically testified that the knife “was in its cover” throughout their encounter with Mr. Corbett. Assuming, *arguendo*, that the blade of the knife was covered throughout the encounter, Md. Code (2002, 2021 Repl. Vol., 2022 Supp.), § 3-204(a) of the Criminal Law Article, defines reckless endangerment as “recklessly . . . engag[ing] in conduct that creates a substantial risk of death or serious physical injury to another.” Here, the State produced evidence, including the knife and a photograph of the knife, from which the jury could determine the ease with which Mr. Corbett could have removed the cover of the knife. The State also produced evidence that at the time that Mr. Diaz disarmed Mr. Corbett of the knife, Mr. Corbett had produced the knife in its entirety and was holding it in a position that enabled Mr. Diaz to seize it. Finally, Mr. Nunez and Mr. Diaz testified that Mr. Corbett appeared to be “drunk,” was angry that he had been denied a ride and money, and was acting in an erratic manner. From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Mr. Corbett recklessly engaged in conduct that created a substantial risk of death or serious physical injury to Mr. Nunez, and hence, the evidence is sufficient to sustain the conviction.

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