

Circuit Court for Worcester County
Case No. C-23-CR-22-000175

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2064

September Term, 2022

MATTHEW S. DALTON

v.

STATE OF MARYLAND

Graeff,
Berger,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 1, 2023

*This is a per curiam opinion. Consistent with 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 Worcester County of driving a vehicle while so far impaired by drugs that he could not drive the vehicle safely, and of driving a vehicle while impaired by a controlled dangerous substance, Matthew S. Dalton, appellant, presents for our review a single issue: whether the evidence is insufficient to sustain the convictions. For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State called Maryland State Trooper Brian Brader, who testified that sometime between 3:00 p.m. and 3:30 p.m. on January 22, 2022, he “responded to the area of [U.S. Route] 113 southbound, just south of [Maryland Route] 610, Whaleyville Road, for a motor vehicle accident with injuries.” The “victims involved in the accident . . . diverted [Trooper Brader’s] direction towards a silver GMC, which [he] identified Mr. Dalton as driving.” Mr. Dalton “was slouched to the right, unconscious, and [not] alert at all.” After a fireman broke the vehicle’s window, Trooper Brader opened Mr. Dalton’s door and observed him taking “deep, shallow breaths and with . . . a foam and a liquid coming out of his mouth and nose.” Trooper Brader “shook Mr. Dalton’s left shoulder just to see if [the trooper] could get any type of reaction from him, [but he] didn’t.” Trooper Brader retrieved his “Narcan,” which is “an opioid reversal” nasal spray “for when you’re overdosing on some type of opioid such as heroin or fentanyl,” and “administered it in Mr. Dalton’s left nostril.” Mr. Dalton had “a little reaction,” but the trooper “wasn’t okay with just [that] amount.” When Trooper Brader’s “shift partner” arrived at the scene, the trooper asked for his Narcan, and “administered a second dose on Mr. Dalton in the same nostril.” “[W]ithin a minute or so, [Mr. Dalton] was almost fully responsive and alert, breathing as he should, [and] talking to” the troopers. Trooper Brader “asked Mr. Dalton what

happened, and he stated that he fell asleep.” After paramedics arrived and began treating Mr. Dalton, the trooper asked him “when the last time he used heroin was.” Mr. Dalton replied that “it was two weeks” prior.

Mr. Dalton “was transported to Atlantic General Hospital in Berlin,” where Trooper Brader “met with him” and again “asked [for] the last time [when] he used heroin.” Mr. Dalton replied that “it was one week” prior. When the trooper advised Mr. Dalton of “all the consequences and penalties if [he] agree[d] or refuse[d] to a breath test or a blood kit in regards to a D.U.I.,” Mr. Dalton refused “to submit to [the] blood test,” stating that “he thought it was best to refuse it.”

The State also called Amanda Guillion, a paramedic for the Bishopville Volunteer Fire Company. Ms. Guillion testified that Narcan “helps with the effects of . . . opioids,” and “usually will bring up your respiratory rate and your level of consciousness when you overdose.” Ms. Guillion was “trained to utilize Narcan” when a person has “pinpoint pupils, respiratory depression, [and an] altered level of consciousness.” Ms. Guillion testified that “[i]f Narcan [is] administered to someone with an opioid in their system,” the person’s “respiratory rate will come up,” and “[s]ometimes they’ll even regain consciousness and stand up and walk out if they want to.”

On January 22, 2022, Ms. Guillion and her partner were dispatched to the site of the collision, where Ms. Guillion saw Mr. Dalton “slumped over the steering wheel” of his vehicle. Mr. Dalton was “not responsive to verbal or pain stimuli,” his “pupils were pinpoint and unresponsive, and [his] respiratory rate was low.” After speaking with the troopers, Ms. Guillion “determined that maybe [Mr. Dalton] probably needed another

dose” of Narcan. Ms. Guillion “gave it a few minutes,” then “did [a] sternal rub,” after which Mr. Dalton “woke up.”

The State also called Angela Puskar, a registered nurse at Atlantic General Hospital. Ms. Puskar testified that she was “trained in the administration of Narcan,” and that if Narcan “was administered to” a person who had “an opioid in their system,” the person “would become responsive” and “their respiratory drive” would be “reverse[d,] causing [the person] to be alert and oriented and change their vital signs accordingly.” On January 22, 2022, Ms. Puskar came into contact with Mr. Dalton when he was brought into Ms. Puskar’s room in the hospital’s emergency department. Mr. Dalton “was alert and oriented,” “responsive,” “not being combative at all,” and “appropriate, and his vitals were stable.” When Ms. Puskar asked Mr. Dalton “if he used any narcotics” that day, he stated: “I snorted some heroin about 2:00 p.m.” Mr. Dalton also “stated that he felt okay when he started to drive and then could not remember anything after that.”

Mr. Dalton contends that “the evidence was insufficient to sustain [his] convictions,” because the State failed “to prove that heroin was still in his body and [that] it was impairing his driving.” We disagree. When Trooper Brader first observed Mr. Dalton, he was slouched, unconscious, not “alert at all,” and taking “deep, shallow breaths.” He also had “a foam and a liquid coming out of his mouth and nose,” and was unresponsive to the shaking of his shoulder. Following two doses of Narcan, which, as Ms. Guillion and Ms. Puskar explained, causes a person who has “an opioid in their system” to become responsive, alert, and oriented, Mr. Dalton “was almost fully responsive and alert, breathing as he should, [and] talking to” Trooper Brader and his partner. When

Ms. Guillion first observed Mr. Dalton, he was again “not responsive to verbal or pain stimuli,” his “pupils were pinpoint and unresponsive, and [his] respiratory rate was low.” Following a third dose of Narcan, Mr. Dalton, as Ms. Puskar observed, was alert, oriented, responsive, and non-combative, with stable “vitals.” Mr. Dalton admitted to Ms. Puskar that he had “snorted some heroin” within ninety minutes of the collision, “that he felt okay when he started to drive,” and that he “could not remember anything after that.” Finally, Mr. Dalton refused to allow his blood to be tested, telling Trooper Brader that “he thought it was best to refuse it.” This evidence supports a rational inference that at the time of the collision, Mr. Dalton still had heroin in his body and the heroin was impairing his driving. Hence, the evidence is sufficient to sustain the convictions.

**JUDGMENTS OF THE CIRCUIT COURT
FOR WORCESTER COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**