

Circuit Court for Howard County
Case No.: 13-K-16-057262

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2293

September Term, 2017

JIMMIE ROBINSON, IV

v.

STATE OF MARYLAND

Woodward, C.J.
Graeff,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 21, 2018

*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.

Jimmie Robinson, appellant, was convicted of second-degree assault after a bench trial on May 9-10, 2017 and was sentenced to ten years' imprisonment, all but nine months suspended, to be followed by three years' probation. He presents one question for our review: "Was the evidence insufficient to sustain the conviction for second-degree assault where Mr. Robinson acted in self-defense?" We answer the question in the negative and affirm.

BACKGROUND

On the night of October 19, 2016, Robinson and his fiancé, Ms. Gina Streeter, went to dinner, returned home, had a glass of wine, and then Robinson fell asleep. Streeter then went through his phone and became angry when she saw he was still friends on social media with a woman from a previous relationship. Streeter confronted the sleeping Robinson saying, "you lied to me." Robinson woke up, asked for his phone back, got into bed, and pulled the covers over his head. Still very upset, Streeter "swiped" the wine glasses that were on the table next to the bed on to the carpeted floor, shattering them. Robinson then threw off the covers, jumped out of bed, and "said, bitch," and approached Streeter from behind. He then punched her in the face, causing her to bleed, and "knocking the wind out of [her]." As she collapsed from that blow, he grabbed her by the hair, threw her to the right side of the room, and then against the desk on the opposite side of the room "like a doll." She fell to the floor and, while standing over her, he stomped on her ribs three times, then said, "get the fuck out of my house."

Streeter drove home and went to work the next day, but when she realized she could not sit comfortably and was in pain with each breath, she went to the hospital. From the

hospital she was transported to a trauma center. She had injuries, including a laceration below her left eyebrow, bruising on her face, a fractured nose, broken rib, and a collapsed lung. She saw a specialist for stabbing pain in her eye, and had surgery on her nose to help with breathing.

Robinson testified that he woke up to the sound of shattering glass and, because he doesn't "have the best nerves," he jumped up and "reacted" without knowing what was going on. He admitted to punching and kicking Streeter and to ultimately telling her to "get the fuck out" of his house.

The court found that Robinson's testimony was not credible and that Streeter's testimony, "as to the event itself," was credible. The court acquitted Robinson of first-degree assault, but found him guilty of second-degree assault with "no doubt in mind."

DISCUSSION

Robinson contends that the evidence was insufficient to sustain the conviction of second-degree assault because he had acted in self-defense. He asserts that the elements of self-defense were proven through his testimony that he had a reasonable belief, based on the sound of broken glass, that he was in immediate danger; that Streeter was the aggressor; and that the force he used was proportional to the threat.

The test for determining the sufficiency of the evidence is "whether, after viewing 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." *Roes v. State*, 236 Md. App. 569, 582 (2018) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). The State here needed to prove (1) Robinson caused offensive physical contact with or

physical harm to Streeter; (2) the contact resulted from the Robinson’s intentional or reckless act and was not accidental; and (3) the contact was not legally justified or consented to by Streeter. *Hickman v. State*, 193 Md. App. 238, 256 (2010).

According to Streeter’s testimony, which the court found credible, Robinson caused offensive physical contact and harm to her when he punched her in the face, threw her by her hair, and stomped on her three times. There was no evidence indicating that Robinson’s actions were accidental. Nor were they consented to or legally justified as self-defense because there was no credible evidence that Streeter had physically attacked or threatened him. Also, Robinson continued to cause Streeter harm after she had “collapsed” to the floor, by grabbing her hair, throwing her around the room, and stomping on her. Finally, the court did not find credible Robinson’s testimony that he simply reacted out of fear, not knowing what he was doing and who he was hitting. In short, the evidence was sufficient for the trial court to have found the essential elements of second-degree assault beyond a reasonable doubt.

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