



HB 233
Assault in the First Degree – Suffocation or Strangulation
OPPOSED

January 28, 2020

Assault in the First Degree

Criminal Law § 3-202

(a)(1) A person may not *intentionally* cause or *attempt* to *cause serious physical injury* to another.

Serious Physical Injury

Criminal Law § 3-201(d)

(d) “Serious physical injury” means physical injury that:

(1) creates a *substantial risk of death*; or

(2) causes permanent or *protracted serious*:

(i) disfigurement;

(ii) *loss of the function* of any *bodily member or organ*; or

(iii) *impairment of the function* of any *bodily member or organ*.

A Conviction for 1st Degree Assault Can Be Based On:

- circumstantial evidence – “[a] jury may infer the necessary intent from an individual’s conduct and the surrounding circumstances, whether or not the victim suffers such an injury” CHILCOAT V. STATE, 155 MD.APP. 394 (2004)
- strangulation and choking:
 - “certainly the effects of strangulation qualify as serious bodily injury” VENABLE V. STATE, 2018 WL 1312991 (MD COURT OF SPECIAL APPEALS)
 - “we note that numerous cases have held that choking or strangulation constitutes a serious physical injury” HASSAN V. STATE, 2019 WL 6047281 (MD COURT OF SPECIAL APPEALS)