

COURT OF APPEALS OF MARYLAND

Wild v. State, 201 Md. 73

92 A.2d 759 (1952) · No. No. 21, October Term, 1952 · Decided October 21, 2001

SUMMARY

The Maryland Court of Appeals affirmed the conviction of a ship's First Assistant Engineer for permitting fuel oil to discharge into Baltimore Harbor in violation of state law. The court held that the evidence was legally sufficient to support an inference of knowledge, including the defendant's responsibility for the fuel-loading operation and his reported awareness of the oil slick before pumping ceased.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Maryland                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Henderson, J.; Markell, C.J.; Delaplaine, J.; Collins, J.                                                                                                                                                                                                 |
| JURISDICTION          | Maryland                                                                                                                                                                                                                                                  |
| DECIDED               | October 21, 2001                                                                                                                                                                                                                                          |
| DOCKET                | No. 21, October Term, 1952                                                                                                                                                                                                                                |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Defendant appealed a bench conviction and \$200 fine for allowing or permitting the discharge of fuel oil into Baltimore Harbor. The appeal challenged the denial of the defendant's motion for a verdict of not guilty at the close of the State's case. |
| STANDARD OF REVIEW    | Whether the evidence presented by the State was legally sufficient to support the conviction and whether the motion for a verdict of not guilty was properly denied.                                                                                      |
| PRECEDENTIAL VALUE    | Published Maryland Court of Appeals opinion; precedential.                                                                                                                                                                                                |
| PARTIES               | Wild v. State                                                                                                                                                                                                                                             |

TOPICS

- environmental law
- criminal procedure
- evidence
- statutory interpretation

PRACTICE AREAS

- environmental law
- criminal procedure
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## QUESTIONS PRESENTED

1. Whether the State's evidence was legally sufficient to support Wild's conviction for discharging or permitting the discharge of oil into Baltimore Harbor.
2. Whether knowledge or scienter, if required by the State water-pollution statute, could be inferred from circumstantial evidence despite Wild's denial of knowledge.

## HOLDINGS

1. The evidence was legally sufficient to support a finding that the First Assistant Engineer had actual knowledge that oil was in the water alongside the ship and was escaping from the ship; therefore, the motion for a verdict of not guilty was properly denied.
2. The court did not decide whether scienter was an element of the statute; assuming without deciding that scienter was required, the evidence was sufficient to establish it.

## KEY QUOTATIONS

*“knowledge may be inferred from circumstances, even where there is positive denial.”* (201 Md. at 77)

*“on questions of scienter reason for disbelieving evidence denying scienter may also justify finding scienter.”* (201 Md. at 77)

*“Certainly this evidence was legally sufficient to support a finding of actual knowledge on the part of the First Assistant Engineer that oil was in the water alongside the ship, and presumably escaping from the ship, at least two hours before the cause was found and corrected.”* (201 Md. at 78)

## FACTUAL BACKGROUND

The steamship Thomas T. Leathers was moored in Baltimore Harbor while a barge attempted to pump fuel oil aboard. Approximately 1,000 barrels of oil went overboard after the oil hose was connected to a ship tank while water was being pumped from that tank. Witnesses observed an oil slick, reported it to the Chief Mate and the First Assistant Engineer, and testified that pumping continued for approximately two hours before the source of the discharge was corrected.

## PROCEDURAL HISTORY

Wild was tried without a jury before Judge Tucker in the Criminal Court of Baltimore and was convicted under State law and a Baltimore City ordinance. He moved for a verdict of not guilty at the close of the State's evidence, arguing that the evidence did not establish the required knowledge or participation in the discharge. The trial court denied the motion, and the Court of Appeals of Maryland affirmed.

## DISPOSITION

affirmed

## CASES CITED

- *Morissette v. United States*, 342 U.S. 246, 72 S. Ct. 240
- *Moore v. State*, 199 Md. 676, 87 A.2d 577
- *Shelton v. State*, 198 Md. 405, 413, 84 A.2d 76, 80
- *Hayette v. State*, 199 Md. 140, 145, 85 A.2d 790, 792

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