

COURT OF APPEALS OF VIRGINIA

Record No. 1350-25-2

SHAWN DEMETRIC MINOR
v.
COMMONWEALTH OF VIRGINIA

Present: Judges Athey, Ortiz and Causey

Argued at Lexington, Virginia

Opinion Issued September 15, 2026*

FROM THE CIRCUIT COURT OF THE CITY OF RICHMOND

Tracy Thorne-Begland, Judge

Lauren E. Brice, Assistant Public Defender (Virginia Indigent Defense Commission, on briefs), for appellant.

Justin B. Hill, Assistant Attorney General (Jay Jones, Attorney General, on brief), for appellee.

MEMORANDUM OPINION BY JUDGE DANIEL E. ORTIZ

After a bench trial for malicious wounding, the trial court convicted Shawn Minor of the lesser-included offense of unlawful wounding. It sentenced him to five years' incarceration, all suspended. On appeal, Minor argues that the trial court erred by finding the evidence sufficient to support the conviction. Finding no error below, we affirm the trial court's judgment.

* This opinion is not designated for publication. *See* Code § 17.1-413(A).

BACKGROUND¹

Minor and his girlfriend Destiny Walls shared an apartment. On the evening of March 14, 2024, they went to a bar, where they consumed alcohol and looked at Snapchat messages on each other's phones. This led to an argument. The two left the bar together on Minor's motorcycle, but they continued arguing. Minor pulled over, and Walls called an Uber to take her the rest of the way home. When she arrived, Minor was already there, and the argument continued as each accused the other of infidelity.

As they argued, Walls prodded Minor around his collarbone. In response, Minor slapped Walls in the face. She hit him back, and he pushed her to the floor. Walls demanded that Minor leave the apartment, but he continued shouting at Walls.

About a minute later, Walls pushed back at Minor. Minor struck Walls again in the face, hard enough that she fell to the floor. He stood over Walls as she told him to stop touching her. She told him, "I'm not doing this anymore. Get off of me." When Walls stood up, she retreated from Minor. She repeatedly told him, "Back up. I'm done," as she tried to move to other parts of the apartment.

Minor followed her and pinned her against a door. Walls told Minor to leave. Walls hit Minor in his face, neck, and chest. Minor struck Walls, causing her to hit a wall and fall to the floor. Minor stood over Walls as she wept. When Walls retreated to the other side of the room, Minor followed her again. Walls put her hands on Minor's face, and he slammed her to the

¹ "Consistent with the standard of review when a criminal appellant challenges the sufficiency of the evidence, we recite the evidence below 'in the "light most favorable" to the Commonwealth, the prevailing party in the trial court.'" *Hammer v. Commonwealth*, 74 Va. App. 225, 231 (2022) (quoting *Commonwealth v. Cady*, 300 Va. 325, 329 (2021)). In doing so, we discard any evidence that conflicts with the Commonwealth's evidence, and regard as true all the credible evidence favorable to the Commonwealth and all inferences that can be fairly drawn from that evidence. *Cady*, 300 Va. at 329.

ground. The couple's children heard the noise and emerged from their room, pleading, "Dad, stop."

Walls went to the bedroom, and Minor followed her. She told Minor to let her go and leave. Walls grabbed his face, and he bit her thumb. Walls kicked Minor in response, and he hit her again, hard enough that "everything went black," she "heard ringing," and lost control of her bladder.

Minor called 911 and requested emergency medical services. Richmond Police Officers Nickolas Mechling and Nicholas Odehnal responded first. Mechling spoke with Walls while Odehnal spoke with Minor. Paramedics arrived and took Walls to the hospital. Jessica Curci, a forensic nurse at VCU Health, examined Walls. Walls's left ear was discolored and had abrasions and scabs on it. Walls had dried blood on her face and in her nostrils, and her right thumb had an open wound. Her left eye was swollen and discolored. Minor was indicted for aggravated malicious wounding. On the Commonwealth's motion, the trial court reduced the charge to malicious wounding.

At a bench trial, the Commonwealth played video footage from a camera located in the apartment's living room that showed parts of the altercation. Walls testified that she remembered Minor hitting her once in the bedroom, at which point everything "went black." She heard a ringing sound and nothing else, could not see out of her left eye, and urinated on herself.

Officer Mechling testified that when he arrived at the apartment, Walls had cuts on her body, blood "all over her," and a swollen face. The Commonwealth played footage from Mechling's body-worn camera, depicting Walls crying and showing the blood on her face. Officer Odehnal testified that pictures showing scratches on Minor's face and neck accurately reflected Minor's appearance when Odehnal encountered him.

Curci testified that Walls could not open her left eye herself or tolerate the pain when Curci attempted to open it. Walls testified that her ear was cut open twice at the hospital to allow excess fluid to drain. She eventually regained the ability to see out of her left eye as bruising subsided. Walls saw a doctor afterward for lingering hearing issues. The doctor made injections in her eardrum, but Walls's hearing had not returned to normal by the date of trial, and she was given a hearing aid.

Minor moved to strike the malicious wounding charge to assault and battery or unlawful wounding. He argued that Walls was the primary aggressor, he had not intended to maim, disfigure, disable, or kill her, and he had acted in the heat of passion. The trial court found that Walls had attempted to retreat but Minor had pursued her. It also found that although Walls only remembered being hit once in the bedroom, her injuries suggested that Minor had hit her several times. Resolving any doubt in the Commonwealth's favor, the trial court denied Minor's motion.

Minor testified in his defense that when Walls returned to the apartment, he was still upset about what he had seen on her phone. He claimed that Walls initiated the physical altercation and that he slapped her in self-defense. He stated that he bit her thumb because she had grabbed his face, and her nails were hurting him. He contended that he had hit her only once in the bedroom, only because she had kicked him.

Minor renewed his motion to strike based on a theory of self-defense and the arguments he made in his original motion. He asked the trial court to acquit him. He alternatively suggested that the trial court convict him of the lesser-included charges of assault and battery or unlawful wounding.

The trial court found that even after Walls had tried to end the confrontation, Minor repeatedly approached her, so Minor had not acted in self-defense. It further found that Minor

had acted aggressively towards Walls throughout the altercation, struck her at least four times, and followed her into the bedroom. At the same time, it found that Minor had acted in the heat of passion, thereby negating the element of malice. The trial court thus reduced the malicious wounding charge to unlawful wounding, convicted Minor of that offense, and sentenced him to five years' incarceration, all suspended. Minor appeals.

ANALYSIS

Minor challenges the trial court's denial of his motion to strike, arguing the evidence was insufficient to find he acted with the requisite intent to "maim, disfigure, disable, or kill" under Code § 18.2-51. We disagree.

"When an appellate court reviews the sufficiency of the evidence underlying a criminal conviction, its role is a limited one." *Commonwealth v. Garrick*, 303 Va. 176, 182 (2024). "The judgment of the trial court is presumed to be correct and will not be disturbed unless it is 'plainly wrong or without evidence to support it.'" *Pijor v. Commonwealth*, 294 Va. 502, 512 (2017) (quoting Code § 8.01-680). The only relevant question for this Court to consider on review is, "after reviewing the evidence in the light most favorable to the prosecution, whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Commonwealth v. Barney*, 302 Va. 84, 97 (2023) (quoting *Sullivan v. Commonwealth*, 280 Va. 672, 676 (2010)). We "may not disregard or discount the inferences that could have been drawn by the factfinder unless the inferences are 'so attenuated that they push into the realm of *non sequitur*.'" *Cuffee v. Commonwealth*, ___ Va. ___, ___ (Apr. 16, 2026) (quoting *Commonwealth v. Wilkerson*, 304 Va. 92, 100 (2025)).

"If any person maliciously shoot, stab, cut, or wound any person or by any means cause him bodily injury, with the intent to maim, disfigure, disable, or kill, he shall, except where it is otherwise provided, be guilty of a Class 3 felony." Code § 18.2-51. "If such act be done

unlawfully but not maliciously, with the intent aforesaid, the offender shall be guilty of a Class 6 felony.” *Id.*

“Intent is the purpose formed in a person’s mind at the time an act is committed. Intent may, and often must, be inferred from the facts and circumstances of the case, including the actions and statements of the accused.” *Johnson v. Commonwealth*, 53 Va. App. 79, 100 (2008) (quoting *Commonwealth v. Taylor*, 256 Va. 514, 519 (1998)). “Under ordinary circumstances an intent to maim may not be presumed from a blow with a bare fist. But an assault with a bare fist may be attended with such circumstances of violence and brutality that an intent to kill may be presumed.” *Burkeen v. Commonwealth*, 286 Va. 255, 259 (2013) (quoting *Fletcher v. Commonwealth*, 209 Va. 636, 640 (1969)). Other circumstances from which a finder of fact may infer an intent to “maim, disfigure, disable, or kill” include: whether an attack was provoked, the force employed, the number of blows, the size of the defendant relative to the victim, and the defendant’s actions and statements after the incident. *See id.* at 260-61; *Johnson*, 53 Va. App. at 103; *Fletcher*, 209 Va. at 641; *Shackelford v. Commonwealth*, 183 Va. 423, 426 (1945).

Here, the record supports a finding that Minor wounded Walls with the requisite intent to “maim, disfigure, disable, or kill.” Code § 18.2-51. Security camera footage depicted the couple’s altercation. The footage shows the two arguing, with Minor following Walls around the apartment. Throughout the argument, Minor struck Walls at least four times, causing bleeding, bruising, and swelling in Walls’s ear and face. After Minor struck Walls the first two times, Walls attempted to cut the argument off, demanding that Minor leave, but he continued following her. He struck her at least two more times over the course of the argument, each time striking the side of her head with an open palm. Minor contends this was self-defense. But given that Minor continued to follow Walls around the apartment, prolonging the confrontation,

his repeated striking of Walls appears to be more than a simple defense tactic to stop her from hitting him.

Other details support a finding that Minor intended to “maim, disfigure, disable, or kill.” Minor repeatedly ignored the children’s pleas to stop fighting with their mother. Minor stood four inches taller than Walls, and she was defenseless for many of his repeated blows. His strikes were severe enough that Walls lost control of her bladder and could no longer hear or see out of her left eye. Her vision “went black” and she “heard ringing.” The fight left Walls with 31 individual injuries, including significant swelling to her face, a cut ear, temporary loss of vision, and permanent hearing damage. Considering the nature of the altercation and the severity of Walls’s injuries, a rational factfinder could conclude that Minor intended “to maim, disfigure, disable, or kill” Walls by prolonging the confrontation and delivering blows causing Walls significant injury.

Given the security footage depicting the altercation, the parties’ testimony of the fight, and the evidence of Walls’s injuries, a rational factfinder could conclude that Minor intended “to maim, disfigure, disable, or kill” within the meaning of Code § 18.2-51. Accordingly, the trial court was not “plainly wrong” to deny Minor’s motion to strike. *Pijor*, 294 Va. at 512.

CONCLUSION

For the foregoing reasons, we affirm the trial court’s judgment.

Affirmed.