COURT OF APPEALS OF VIRGINIA

Record No. 1177-25-1

KHALID RASHID SHABAZZ
v.
COMMONWEALTH OF VIRGINIA

Present: Chief Judge Decker, Judges Malveaux and Causey
Argued at Williamsburg, Virginia

Opinion Issued November 17, 2026[*]

FROM THE CIRCUIT COURT OF SOUTHAMPTON COUNTY
L. Wayne Farmer, Judge

Ashby Leigh Pope (Riddick & Pope, on brief), for appellant.

Craig W. Stallard, Senior Assistant Attorney General (Jay Jones, Attorney General, on brief), for appellee.

MEMORANDUM OPINION BY
JUDGE DORIS HENDERSON CAUSEY

A trial court convicted Khalid Rashid Shabazz of assault and battery of a correctional facility employee. On appeal, he challenges the sufficiency of the evidence to prove that he intended the touching to be harmful or offensive. Finding no error, we affirm the trial court.

BACKGROUND

We recite the facts "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

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

to the Commonwealth and all inferences that can be fairly drawn from that evidence. *See Cady*, 300 Va. at 329.

The facts are simple and largely uncontested. Shabazz, an inmate at Deerfield Correctional Center, was shown on video following Nurse Brittany White down a hallway. As White approached a locked door at the end of the hallway, Shabazz grabbed her from behind. After she turned around, he punched her in the chest. Shabazz then fled and White chased him.

Lieutenant Aaron Williams was working at the facility that day and heard White cry out. Lieutenant Williams exited his office and saw White chasing Shabazz while shouting that she had been struck. Lieutenant Williams apprehended Shabazz.

Afterward, Shabazz admitted to striking White. White made a report but could not be located for trial.

Shabazz moved to strike at the close of evidence, arguing that the Commonwealth had failed to prove that the contact was harmful or offensive because White was not present at trial to testify. The trial court denied the motion, and this appeal followed.

ANALYSIS

On appeal, Shabazz argues that the evidence was insufficient to prove that he struck White in a harmful or offensive matter. 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 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). "Thus, 'it is not for this [C]ourt to say that the evidence does or does not establish [the defendant's] guilt beyond a reasonable doubt because as an original proposition

it might have reached a different conclusion.'" *Commonwealth v. Barney*, 302 Va. 84, 97 (2023) (alterations in original) (quoting *Cobb v. Commonwealth*, 152 Va. 941, 953 (1929)).

The only relevant question for this Court 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." *Id.* (quoting *Sullivan v. Commonwealth*, 280 Va. 672, 676 (2010)). "If there is evidentiary support for the conviction, 'the reviewing court is not permitted to substitute its own judgment, even if its opinion might differ from the conclusions reached by the finder of fact at the trial.'" *McGowan v. Commonwealth*, 72 Va. App. 513, 521 (2020) (quoting *Chavez v. Commonwealth*, 69 Va. App. 149, 161 (2018)).

"The crime of assault and the crime of battery are independent criminal acts, although they are linked in Code § 18.2-57. To sustain a conviction for assault, the Commonwealth must prove 'an attempt or offer, with force and violence, to do some bodily hurt to another.'" *Parish v. Commonwealth*, 56 Va. App. 324, 329 (2010) (quoting *Adams v. Commonwealth*, 33 Va. App. 463, 468 (2000)). "At common law, any touching 'in anger, without lawful provocation,' however slight . . . was sufficient to support a battery conviction." *Gilbert v. Commonwealth*, 45 Va. App. 67, 70 (2005) (quoting *Hardy v. Commonwealth*, 58 Va. (17 Gratt.) 592, 601 (1867)). "Whether an act is done in a 'rude, insolent, or angry manner' is a finding of fact that this Court will not disturb on appeal unless the finding is plainly wrong or no evidence supports it." *Kelley v. Commonwealth*, 69 Va. App. 617, 628-29 (2019).

Shabazz argues that White's presence at trial was necessary to prove that the punch was harmful or offensive, but our courts have consistently held that "intent may often be gathered from the conduct of the aggressor, viewed in the light of the attending circumstances." *Wood v. Commonwealth*, 149 Va. 401, 405 (1927). While White's cooperation at trial might have been

helpful to the Commonwealth, it was not indispensable, especially in light of the video evidence, Shabazz's confession, his attempt to flee, and the testimony of witnesses who saw White chase Shabazz while shouting at him. Taken together, these circumstances created a question for the jury, who determined that Shabazz struck White harmfully or offensively. That determination is not plainly wrong, and we find no abuse of discretion in the denial of the motion to strike.

CONCLUSION

For these reasons, the circuit court's judgment is affirmed.

Affirmed.