

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIEREEOTAY BRYANT	§	
	§	No. 150, 2004
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court
	§	of Delaware in and for New
v.	§	Castle County
	§	
STATE OF DELAWARE,	§	ID No.0307009841
	§	
Plaintiff Below,	§	
Appellees.	§	

Submitted: October 12, 2004  
Decided: November 30, 2004

Before **STEELE**, Chief Justice, **BERGER** and **RIDGELY**, Justices.

**ORDER**

This 30<sup>th</sup> day of November, 2004, on consideration of the briefs of the parties, it appears to the Court that:

(1) Tiereetay Bryant appeals from his conviction in the Superior Court on the charge of reckless endangering in the first degree.<sup>1</sup> He contends that the evidence presented by the State at trial was insufficient and did not prove beyond a reasonable doubt that he was aware of the presence of the victim when he allegedly fired multiple shots into the victim's apartment. We

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<sup>1</sup> DEL. CODE ANN. tit. 11, § 604 (2004).

conclude that the evidence presented was sufficient to convict Bryant and therefore affirm.

(2) On the night of July 15, 2003, Bryant went to the apartment of Tanisha Price. Bryant had been acquainted with Price because his girlfriend, Mia Butler, was Price's former roommate. Price and Butler allegedly had a falling out which caused Butler to move out of the apartment. On the night in question, Price's boyfriend, Walter Davis, answered Bryant's knock at the apartment door. Bryant asked whether Price was available. Davis responded for Bryant to "hold on" and that he would "get" Price.<sup>2</sup> As Davis locked the door behind him and called for Price, he heard several gunshots, one of which passed through the apartment door, striking him. Bryant was later arrested and charged with attempted murder in the first degree of Davis,<sup>3</sup> reckless endangering in the first degree of Price<sup>4</sup> and two counts of possession of a firearm during the commission of a felony.<sup>5</sup> Bryant was convicted on the reckless endangering in the first degree charge but acquitted on the remaining

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<sup>2</sup> Transcript of Trial Proceedings on February 5, 2004 at 65.

<sup>3</sup> DEL. CODE ANN. tit. 11, §§ 531, 636 (2004).

<sup>4</sup> *Id.* at § 604.

<sup>5</sup> *Id.* at § 1447A.

charges.

(3) Bryant’s contention that the evidence presented at trial was insufficient to support a finding of guilt is without merit. We review such a contention for “whether, after viewing the evidence in the light most favorable to the prosecution, [including all reasonable inferences to be drawn therefrom,] any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.”<sup>6</sup> We are not required to determine whether we believe that the evidence presented at trial establishes guilt beyond a reasonable doubt; rather, we must merely review the present record and inquire as to whether a rational trier of fact could have found that guilt was established.<sup>7</sup> In doing so, we do not distinguish between direct and circumstantial evidence.<sup>8</sup>

(4) “A person is guilty of reckless endangering in the first degree when the person recklessly engages in conduct which creates a substantial risk of death to another person.”<sup>9</sup> “A person acts recklessly with respect to an

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<sup>6</sup> *Dixon v. State*, 567 A.2d 854, 857 (Del. 1989) (citing *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)).

<sup>7</sup> *Skinner v. State*, 575 A.2d 1108, 1121 (Del. 1990) (citing *Colvin v. State*, 472 A.2d 953, 964 (Md. 1984)).

<sup>8</sup> *Id.* (citing *Williams v. State*, 539 A.2d 164, 168 (Del. 1988) (citing *Holland v. United States*, 348 U.S. 121, 139 (1954)).

<sup>9</sup> DEL. CODE ANN. tit. 11, § 604 (2004).

element of an offense when the person is aware of and consciously disregards a substantial and unjustifiable risk that the element exists or will result from the conduct.”<sup>10</sup> Bryant argues that because he was unaware that Price was present in the apartment when he allegedly fired the shots through the apartment door, the State failed to prove, beyond a reasonable doubt, the mental state for reckless endangerment in the first degree. Bryant’s argument is not supported by the facts in the present record. The record establishes that after Bryant conversed with Davis, he learned that Price was located in the apartment. We therefore conclude that there is sufficient evidence in the record to support the conclusion that a rational trier of fact could have found that Bryant was guilty of recklessly endangering Price by firing several shots through the apartment door knowing that Price was located therein.

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<sup>10</sup> *Id.* at § 231(c).

NOW THEREFORE, IT IS SO ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely  
Justice