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Nguyen v. State

Supreme Court of Maryland - July 30, 2025 - A.3d - 2025 WL 2155720

Following bench trial, defendant, who was former police officer, was convicted in the Circuit Court of reckless endangerment for failing to prevent unprovoked and spontaneous assault on individual by a third person that occurred in defendant's presence. Defendant appealed.

The Appellate Court affirmed. Defendant filed petition for a writ of certiorari.

The Supreme Court held that:

- State failed to prove that defendant owed duty to protect individual from third person's kicking individual in head, and
- State failed to establish that special relationship existed between defendant and individual for purposes of special relationship exception to public duty doctrine.

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