

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 12

September Term, 2025

REGINALD PEAY, III

v.

STATE OF MARYLAND

Zic,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 2, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Baltimore City, Reginald Peay, III, appellant, was convicted of first-degree murder, use of a firearm in the commission of a crime of violence, possession of a firearm while prohibited, and possession of a stolen regulated firearm. His sole claim on appeal is that there was insufficient evidence to sustain his convictions for first-degree murder and use of a firearm in the commission of a crime of violence. Specifically, he contends that the evidence was insufficient to prove that he committed first-degree murder and, by extension, that he used a firearm during a crime of violence, because: (1) the State failed to prove that he acted with premeditation and deliberation, and (2) the State failed to prove that he “acted in anything other than self-defense, whether complete or incomplete.” Appellant acknowledges that these contentions are not preserved for appellate review as he did not raise them when making his motion for judgment of acquittal. See *Peters v. State*, 224 Md. App. 306, 353 (2015) (“[R]eview of a claim of insufficiency is available only for the reasons given by [the defendant] in his motion for judgment of acquittal.” (quotation marks and citation omitted)). Therefore, relying on *Testerman v. State*, 170 Md. App. 324 (2006), he asks us to conclude that his defense counsel’s failure to preserve these claims constituted ineffective assistance of counsel.

However, “[p]ost-conviction proceedings are preferred with respect to ineffective assistance of counsel claims because the trial record rarely reveals why counsel . . . omitted to act, and such proceedings allow for fact-finding and the introduction of testimony and evidence directly related to allegations of the counsel’s ineffectiveness.” *Mosley v. State*, 378 Md. 548, 560 (2003). And, unlike in *Testerman*, we are not persuaded that

the record in this case is sufficiently developed to permit a fair evaluation of appellant's claim that his defense counsel was ineffective. Consequently, *Testerman* does not require us to consider that claim on direct appeal, and we decline to do so.

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID
BY APPELLANT.**