

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 165

September Term, 2024

DOMINIC HICKS

v.

STATE OF MARYLAND

Graeff,
Kehoe, S.,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 9, 2025

*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, Dominic Hicks, appellant, was convicted of voluntary manslaughter, use of a firearm in a crime of violence, possession of a regulated firearm with a disqualifying conviction, and wearing or carrying a handgun. On appeal, he contends that the evidence was insufficient to sustain his convictions for voluntary manslaughter and use of a firearm in a crime of violence because the State failed to disprove that he acted in perfect self-defense. As appellant acknowledges, however, this contention is not preserved for appellate review as he did not raise it when making his motion for judgment of acquittal at the close of all the evidence. *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)).¹

Relying on *Testerman v. State*, 170 Md. App. 324 (2006), appellant asks us to conclude that his defense counsel’s failure to preserve this issue 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

¹ Although appellant does not specifically ask us to do so, we decline to exercise our discretion to engage in “plain error” review of this claim pursuant to Maryland Rule 8-131(a).

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.

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