

Circuit Court for Kent County
Case No. C-14-CR-24-000171

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 621

September Term, 2025

STEPHEN CHRISTIAN BARBOUR

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: July 7, 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.

Convicted by a jury in the Circuit Court for Kent County of second degree assault and reckless endangerment, Stephen Christian Barbour, appellant, presents for our review a single issue: whether trial counsel committed “plain error” in failing “to request a jury instruction on self-defense.” For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State produced evidence that at the time of the offenses, Mr. Barbour and his wife Casey Nalani Capps Barbour lived at the Brittany Bay Apartments in Rock Hall, and were neighbors of Takara Thomas and her boyfriend Maurice James.¹ On September 6, 2024, Ms. Thomas, Mr. Barbour, and Mrs. Barbour argued outside Ms. Thomas’s apartment over whether Mrs. Barbour’s daughter had bullied Ms. Thomas’s children. Mrs. Barbour and Ms. Thomas subsequently began fighting. When Mr. James “tried to break it up,” Mr. Barbour began fighting him. Mr. James subsequently discovered that he had been stabbed seven times in his stomach. Mr. James identified Mr. Barbour in court as the person who stabbed Mr. James. Portions of the argument and assault were recorded by a surveillance camera, and the recording was played for the jury. Following the assault, police discovered, on a table in the Barbours’ bedroom, a knife. Police also discovered in the Barbours’ apartment a blood-stained t-shirt and pair of jean shorts.

Mr. Barbour contends that trial counsel “committed plain error when she failed to request a jury instruction on self-defense[,] because there is a reasonable probability [that] at least one juror would not have convicted.” Mr. Barbour further contends that trial

¹Mr. James is identified elsewhere in the record as “Maurice James, Jr.” For consistency, we shall identify him as “Mr. James.”

counsel’s “failure to request a self-defense jury instruction was ineffective assistance of counsel.”

We reject the contentions. Our discretion to review unpreserved errors pursuant to Rule 8-131(a) (“[o]rdinarily, an appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal”) extends to error not by counsel, but in “a trial court’s ruling, action, or conduct[.]” *Ray v. State*, 435 Md. 1, 23 (2013) (internal citation omitted). Also, the Supreme Court of Maryland has stated that “[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) (citations and footnote omitted). Here, like in *Mosley*, the record does not reveal why defense counsel failed to take the action now sought by Mr. Barbour. A post-conviction proceeding will allow for the introduction of testimony and evidence, and fact-finding, directly related to Mr. Barbour’s contention, and hence, the contention should be addressed in such a proceeding.

**JUDGMENTS OF THE CIRCUIT COURT
FOR KENT COUNTY AFFIRMED. COSTS
TO BE PAID BY APPELLANT.**