

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 672

September Term, 2022

MAURLANNA BRAXTON

v.

STATE OF MARYLAND

Wells, C.J.,
Shaw,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 24, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Following a jury trial in the Circuit Court for Baltimore County, Maulanna Braxton, appellant, was convicted of interference with or obstruction of emergency services, failure to obey a reasonable and lawful order, and resisting arrest. Her sole contention on appeal is that her defense counsel was ineffective in not making a closing argument. For the reasons that follow, we shall affirm.

We will review a claim for ineffective assistance of counsel on direct appeal only when “the critical facts are not in dispute and the record is sufficiently developed to permit a fair evaluation of the claim[.]” *In re Parris W.*, 363 Md. 717, 726 (2001). Here, however, the trial record is not sufficiently developed to demonstrate whether appellant received ineffective assistance of counsel. To be sure, it is undisputed that defense counsel declined to give a closing argument. But appellant has not identified any cases from this, or any other, jurisdiction holding that it would be ineffective in every case for defense counsel not to make a closing argument. In fact, appellant concedes that the “[f]ailure to make a closing argument is not *per se* ineffective assistance but rather the circumstances and context of the failure must be considered in a deficiency analysis.”

In this case, the record does not reveal defense counsel’s reasons for not giving a closing argument. Thus, “direct review by this Court would primarily involve the perilous process of second-guessing, perhaps resulting in an unnecessary reversal in a case where sound but unapparent reasons existed for counsel’s actions.” *Tetso v. State*, 205 Md App. 334, 379 (2012) (quoting *Addison v. State*, 191 Md. App. 159, 175, *cert. denied*, 415 Md.

38 (2010)). Consequently, we hold this case does not present the unique situation where we should review an ineffective assistance of counsel claim on direct appeal.¹

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

¹ Appellant acknowledges that “[p]ost-conviction proceedings are preferred with respect to ineffective assistance of counsel claims,” *see Mosley v. State*, 378 Md. 548, 560 (2003), but contends that she is now ineligible to file a post-conviction petition because she has already served her sentence and is not on probation or parole. However, that does not change the fact that the record in the instant case is insufficient to resolve her claim. And in any event, we note that nothing prevented her from filing a post-conviction petition raising this issue prior to her release from custody. Moreover, nothing would prevent appellant from raising this claim in a coram nobis proceeding to the extent that she is suffering from significant collateral consequences as a result of the conviction.