

Circuit Court for Baltimore City
Case No. 623083026

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 1542

September Term, 2024

JAMES RICKY DUPREE

v.

STATE OF MARYLAND

Reed,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 3, 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.

— Unreported Opinion —

Convicted by a jury in the Circuit Court for Baltimore City of theft of property with a value of \$100,000 or more and related offenses, James Ricky Dupree, appellant, presents for our review a single issue: whether the evidence is sufficient to sustain the convictions. For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State produced evidence that on December 15, 2022, Brittany Edelmann was working at her job in a “guard shack” at the Port of Baltimore when she was approached by a man who asked her to “print paperwork” for “vehicles that they’re picking up.” Ms. Edelmann was e-mailed, and subsequently printed, a document purportedly from “Supreme Auto Transport Inc.” authorizing a company named “Godspeed Transport, LLC,” to obtain from the Port a black 2023 Range Rover and white 2023 Range Rover Sport and transport them to “Land Rover Tyson Corner” in Vienna, Virginia. Later that day, Andrew Peak, the port manager for Land Rover, was notified of “some vehicles that had left the Port.” Mr. Peak obtained the document that Ms. Edelmann had printed and “pinged” the vehicles listed in the document to determine their locations. Mr. Peak determined that the black Range Rover was in “Marlboro,” and the white Range Rover was approximately three miles away from the black Range Rover. After conducting additional investigation of the information in the document, Mr. Peak determined the document to be fraudulent. After Mr. Peak contacted law enforcement, Maryland Transportation Authority Police Officer Stewart Fountain watched “security footage” and observed the Range Rovers “leaving [on] a car hauler that was attached to . . . a white Dodge Ram.” Officer Fountain subsequently obtained a copy of a “gate permit” that indicated that at 6:19 a.m. on December 15, 2022, an “auto security pass” was issued to “James Dupree” of “Variety

Quality Services, LLC.” The Range Rovers were subsequently discovered in Prince George’s County. On January 6, 2023, Officer Fountain met with Mr. Dupree, who stated that “he was the owner of” the Dodge Ram and car hauler. Mr. Dupree stated that the white Range Rover “was still attached to the trailer when he . . . was made aware of the situation,” “he had an employee working for him and . . . they used the vehicle,” “they had requested his presence because the vehicle was still on the trailer,” “he removed the vehicle from the trailer,” and “he paid for a space at a Sunoco gas station and parked it there.” At trial, Ms. Edelmann, during cross-examination, identified Mr. Dupree as the person who “asked [her] to print” the document from Supreme Auto Transport Inc., and that she subsequently identified a picture of Mr. Dupree in an array of six pictures because “he’s the only one [that Ms. Edelmann] had an interaction with” on December 15, 2022.

Mr. Dupree contends that “the evidence is insufficient to support a finding, beyond a reasonable doubt, that [he] was the person who took the vehicles.” Acknowledging that defense counsel’s “motion for judgment of acquittal did not include particularized arguments concerning identity for the theft charges,” Mr. Dupree requests that we “still consider the issue” on the ground that “there was no conceivable trial strategy that would explain counsel’s decision to move for judgment of acquittal while failing to make all potentially meritorious sufficiency arguments.” We decline to do so. 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 the 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 move for judgment of acquittal on the ground that Mr. Dupree now seeks. A post-conviction proceeding will allow for the introduction of testimony and evidence, and fact-finding, directly related to Mr. Dupree's contention, and hence, the contention should be addressed in such a proceeding.

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