

Circuit Court for Baltimore City
Case No. 118043012

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2086

September Term, 2019

JOEL ROBINSON

v.

STATE OF MARYLAND

Fader, C.J.,
Kehoe,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 4, 2021

*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.

Convicted by a jury in the Circuit Court for Baltimore City of first degree assault and related offenses, Joel Robinson, appellant, contends that the court erred in admitting a recording of a 911 call “as it both contained inadmissible hearsay and its admission violated [Mr. Robinson’s] right to confront his accusers and . . . prejudiced his defense.” Acknowledging that defense counsel failed to object to the admission of the recording on those grounds, Mr. Robinson, relying on *In re Parris W.*, 363 Md. 717 (2001), and *Testerman v. State*, 170 Md. App. 324 (2006), asks us to conclude that defense counsel provided ineffective assistance. We decline to do so. The Court of Appeals 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 object to the admission of the recording on the grounds now sought by Mr. Robinson. A post-conviction proceeding will allow for the introduction of testimony and evidence, and fact-finding, directly related to Mr. Robinson’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.**