

Circuit Court for Montgomery County
Case No. 125896C

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2224

September Term, 2018

AYRONN SANCHEZ-REYES

v.

STATE OF MARYLAND

Beachley,
Wells,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 26, 2019

*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 Montgomery County, Ayronn Sanchez-Reyes, appellant, was convicted of possession with intent to distribute cocaine, possession of cocaine, possession of marijuana, and possession of drug paraphernalia. On appeal, he contends that the prosecutor made improper comments during closing, specifically that she argued facts not in evidence and denigrated defense counsel. Mr. Sanchez-Reyes acknowledges, however, that these claims are not preserved because he did not object to the prosecutor’s statements at trial. He therefore requests that we engage in plain error review.

Although this Court has discretion to review unpreserved errors pursuant to Maryland Rule 8-131(a), the Court of Appeals has emphasized that appellate courts should “rarely exercise” that discretion because “considerations of both fairness and judicial efficiency ordinarily require that all challenges that a party desires to make to a trial court’s ruling, action, or conduct be presented in the first instance to the trial court[.]” *Ray v. State*, 435 Md. 1, 23 (2013) (citation omitted). Therefore, plain error review “is reserved for those errors that are compelling, extraordinary, exceptional or fundamental to assure the defendant of [a] fair trial.” *Savoy v. State*, 218 Md. App. 130, 145 (2014) (quotation marks and citation omitted). Under the circumstances presented, we decline to overlook the lack of preservation and thus do not exercise our discretion to engage in plain error review. *See Morris v. State*, 153 Md. App. 480, 506-07 (2003) (noting that the five words, “[w]e decline to do so [,]” are “all that need be said, for the exercise of our unfettered discretion in not

taking notice of plain error requires neither justification nor explanation.”) (emphasis and footnote omitted). Consequently, we affirm the judgments of the circuit court.

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