

Circuit Court for Baltimore City
Case No. 117107011

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2695

September Term, 2018

SHARANDALL MONTAE MOSES

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 Baltimore City, Sharandall Moses, appellant, was convicted of second-degree assault. Mr. Moses’s sole claim on appeal is that the evidence was insufficient to sustain his conviction. He concedes that this claim is not preserved because his defense counsel did not provide any specific reasons in support of his motion for judgment of acquittal. *See Peters v. State*, 224 Md. App. 306, 354 (2015) (“[R]eview of a claim of insufficiency is available only for the reasons given by [the defendant] in his motion for judgment of acquittal.” (citation omitted)). Therefore, relying on *Testerman v. State*, 170 Md. App. 324 (2006), Mr. Moses asks us to conclude that his defense counsel’s failure to preserve the issue constituted ineffective assistance of counsel.

“Post-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). And, unlike *Testerman*, we are not persuaded that the record in this case is sufficiently developed to permit a fair evaluation of Mr. Moses’s claim that his defense counsel was ineffective. Consequently, *Testerman* does not require us to consider that claim on direct appeal, and we decline to do so.

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