

Circuit Court for Queen Anne's County
Case No. C-17-CR-17-000291

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 27

September Term, 2018

ORLANDO JONES

v.

STATE OF MARYLAND

Fader, C.J.,
Leahy,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 28, 2018

*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.

A jury sitting in the Circuit Court for Queen Anne’s County convicted Orlando Jones, the appellant, of motor vehicle theft. Jones appeals, asking this Court to review for plain error his unpreserved claim that the prosecutor made improper remarks during closing argument. We decline to do so and affirm the judgment.

An appellate court ordinarily will not decide an issue “unless it plainly appears by the record to have been raised in or decided by the trial court[.]” Md. Rule 8-131(a). The Court may, however, “decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal.” *Id.*

“We have repeatedly held that pursuant to Rule 8-131(a), a defendant must object during closing argument to a prosecutor’s improper statements to preserve the issue for appeal.” *Shelton v. State*, 207 Md. App. 363, 385 (2012). Jones concedes that defense counsel did not object to the prosecutor’s closing argument at trial but asks that we exercise our discretion to engage in plain error review of his unpreserved claim pursuant to Rule 8-131(a).

“Plain error review is reserved for those errors that are compelling, extraordinary, exceptional or fundamental to assure the defendant of a fair trial.” *Hallowell v. State*, 235 Md. App. 484, 505 (2018) (quoting *Newton v. State*, 455 Md. 341, 364 (2017)). We are not persuaded by the arguments set forth in appellant’s brief that plain error review is warranted here.

**JUDGMENT OF THE CIRCUIT COURT
FOR QUEEN ANNE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**