

Circuit Court for Baltimore City
Case No. 117271003

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 230

September Term, 2019

SHAKIM LATIVIA BRYANT

v.

STATE OF MARYLAND

Berger,
Leahy,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 14, 2020

*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, Shakim Bryant, appellant, was convicted of one count of first-degree arson, seven counts of second-degree assault, and seven counts of reckless endangerment, based on her having set fire to a home that had multiple people inside. Her sole contention on appeal is that the evidence was insufficient to sustain her convictions because the State failed to prove her criminal agency. However, this claim is not preserved as she did not raise it when making her 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)).

Relying on *Testerman v. State*, 170 Md. App. 324 (2006), Ms. Bryant nevertheless asks us to conclude that her defense counsel’s failure to preserve this issue constituted ineffective assistance of counsel. However, “[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). And, unlike *Testerman*, we are not persuaded that the record in this case is sufficiently developed to permit a fair evaluation of Ms. Bryant’s claim that her defense counsel was ineffective.

Consequently, *Testerman* does not require us to consider that claim on direct appeal, and we decline to do so.¹

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

¹ In any event, we note that Ms. Bryant’s sufficiency claim lacks merit. The evidence at trial indicated that a group of people went to a home leased by the victim to confront the victim’s niece. Much of the incident was recorded on the victim’s home security camera. The video showed that one of those people, who was later identified by several witnesses as Ms. Bryant, went behind the victim’s house holding a blue cup and a lighter. Several minutes later, a fire broke out in the victim’s kitchen, which was located in the rear of the home. Seven people were inside the home when the fire was started. The blue cup and lighter were later recovered by the police. Ms. Bryant’s DNA was found on the lighter. And the blue cup was tested and found to contain an “ignitable liquid.” Moreover, after Ms. Bryant was arrested, a person using her jail identification number called the victim and several other witnesses and told them not to come to court. Collectively, that evidence was more than sufficient to establish that Ms. Bryant was the perpetrator of the charged offenses.