

Circuit Court for Worcester County
Case No.: C-23-CR-18-000394

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 540

September Term, 2019

JARRETT JAMAL HOUSTON

v.

STATE OF MARYLAND

Graeff,
Berger,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 6, 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 trial in the Circuit Court for Worcester County, a jury found Jarrett Jamal Houston, appellant, guilty of obstructing and hindering a law enforcement officer in the performance of their duty, disorderly conduct, resisting a lawful arrest, and second-degree assault. The court sentenced appellant to a term of two years' imprisonment for obstructing and hindering, and two consecutive years' imprisonment for resisting arrest. The remaining counts merged for purposes of sentencing.

On appeal, appellant contends that he was denied his Sixth Amendment right to effective assistance of counsel when his trial counsel made a prejudicial serious attorney error, within the meaning of *Strickland v. Washington*, 466 U.S. 668 (1984), and its progeny, by failing to preserve for appellate review a claim that the evidence was legally insufficient to support the count charging obstructing and hindering a law enforcement officer in the performance of their duty.

As the Court of Appeals has repeatedly pointed out, although it is possible for an appellate court to address a claim of ineffective assistance of counsel on direct appeal, “[p]ost-conviction proceedings are preferred with respect to ineffective assistance of counsel claims because the trial record rarely reveals why counsel acted or omitted to act, and such proceedings allow for fact-finding and the introduction of testimony and evidence directly related to allegations of the counsel’s ineffectiveness.” *Bailey v. State*, 464 Md. 685, 704 (2019) (quoting *Mosley v. State*, 378 Md. 548, 560 (2003)). In our view, appellant’s claim of ineffective assistance of counsel is best heard within a post-conviction posture.

Consequently, we shall affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT
COURT FOR WORCESTER
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**