

UNREPORTED

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0608

September Term, 2014

WENDELL REGINALD HACKLEY

v.

STATE OF MARYLAND

Zarnoch,
Leahy,
Moylan, Charles E., Jr.
(Retired, Specially Assigned),

JJ.

Opinion by Moylan, J.

Filed: May 20, 2015

*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.

— Unreported Opinion —

The appellant, Wendell Reginald Hackley, was convicted in the Circuit Court for Prince George's County by a jury, presided over by Judge Maureen M. Lamasney, of theft of the value of less than \$10,000 and automobile theft. On appeal, the appellant raises the single contention that the evidence was not legally sufficient to establish that he was in unlawful possession of the stolen property.

At trial, the appellant had moved for a judgement of acquittal at the close of the State's case, challenging only the sufficiency of the evidence to show that he had perpetrated the original (April 23, 2013) taking (the caption) of the stolen car. He acknowledged that he did not raise his present contention, dealing with proof of possession of the stolen car at the subsequent time (July 15, 2013). The present, and exclusive, contention, therefore, has not been preserved for appellate review. The appellant recognizes his non-preservation problem but asks that we, pursuant to Maryland Rule 8-131(a), exercise our discretion so as to overlook the preservation problem under what has come to be called the "plain error exception" to the preservation requirement. We decline to do so. Austin v. State, 90 Md. App. 254, 600 A.2d 1142 (1992).

**JUDGMENT AFFIRMED; COSTS TO
BE PAID BY THE APPELLANT.**