

Circuit Court for Baltimore City
Case No: 118218007

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1078

September Term, 2019

JAMES COLLINS

v.

STATE OF MARYLAND

Arthur,
Beachley,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 1, 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.

A jury sitting in the Circuit Court for Baltimore City convicted James Collins, appellant, of three counts of possession of a firearm by a person previously convicted of a felony and one count of possession of ammunition. On appeal, he maintains that the evidence was insufficient to support the convictions “because the State failed to prove beyond a reasonable doubt that he was in constructive possession of the loaded guns,” an argument he concedes was not made at trial when he moved for judgment of acquittal. Mr. Collins acknowledges that defense counsel failed to preserve this argument for appellate review, and for that reason also claims that he was denied his constitutional right to the effective assistance of counsel and suggests that we address it in that context.

“A criminal defendant who moves for judgment of acquittal is required by Md. Rule 4-324(a) to ‘state with particularity all reasons why the motion should be granted[,]’ and is not entitled to appellate review of reasons stated for the first time on appeal.” *Starr v. State*, 405 Md. 293, 302 (2008) (citation omitted). Because Mr. Collins’s sufficiency issue is not properly before us, we decline to address it.

We also decline to address Mr. Collins’s ineffective assistance of counsel claim. As the Court of Appeals has stated, it is “the general rule that a claim of ineffective assistance of counsel is raised most appropriately in a post-conviction proceeding” because “ordinarily, the trial record does not illuminate the basis for the challenged acts or omissions of counsel.” *In re: Parris W.*, 363 Md. 717, 726 (2001) (citations omitted). We are not persuaded that the record before us is sufficiently developed to determine why defense counsel failed to make the argument made on appeal in the motion for judgment

of acquittal at trial. The ineffective assistance of counsel claim, therefore, is best left for the post-conviction court.

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