

Circuit Court for Dorchester County
Case No. C-09-CR-17-000062

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1664

September Term, 2017

PERRY DICKERSON, III

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: November 9, 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.

Following a jury trial in the Circuit Court for Dorchester County, Perry Henry Dickerson, III, appellant, was convicted of second-degree assault and theft of property valued at less than \$1,000. Dickerson’s sole claim on appeal is that the evidence was insufficient to sustain his convictions. For the reasons that follow, we affirm.

Dickerson’s defense counsel did not articulate any specific reasons to support his motion for judgment of acquittal with respect to the charges of second-degree assault and theft. Consequently, Dickerson’s claim of insufficiency of the evidence is not preserved on appeal. *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), Dickerson alternatively asks us to conclude that his defense counsel’s failure to preserve the 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 Dickerson’s claim that his defense counsel was ineffective.

Consequently, *Testerman* does not require us to consider Dickerson’s claim of ineffective assistance of defense counsel on direct appeal, and we decline to do so.

**JUDGMENTS OF THE CIRCUIT
COURT FOR DORCHESTER
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**