

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1709

September Term, 2024

ROMARISE THOMAS SCOTT, JR.

v.

STATE OF MARYLAND

Leahy,
Albright,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 7, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Carroll County, Romarise Thomas Scott, Jr., appellant, was convicted of possession of fentanyl. On appeal, he contends that the evidence was insufficient to sustain his conviction because the State failed to prove that he “knew of the presence of the [fentanyl] for which he was charged with unlawfully possessing.”

The evidence at trial demonstrated that, during the stop of a vehicle in which appellant was a passenger, officers found fentanyl inside a bag that he was holding. Moreover, before the bag was searched, appellant acknowledged that it contained “paraphernalia.” Appellant nevertheless contends that there was insufficient evidence that he knew the fentanyl was inside the bag because “the bag did not contain any identifying information[;]” there was no evidence that he, or anyone else in the vehicle, had been using fentanyl; and it was possible that the fentanyl could have been placed in the bag by “either of the other two occupants of the vehicle . . . without [his] knowledge.”

Appellant acknowledges that these contentions are not preserved for appellate review as he did not raise them when making his motion for judgment of acquittal. See *Peters v. State*, 224 Md. App. 306, 353 (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.” (quotation marks and citation omitted)). Therefore, relying on *Testerman v. State*, 170 Md. App. 324 (2006), he asks us to conclude that his 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 allegations of the counsel’s ineffectiveness.” *Mosley v. State*, 378 Md. 548, 560 (2003). And, unlike in *Testerman*, we are not persuaded that the record in this case is sufficiently developed to permit a fair evaluation of appellant’s claim that his defense counsel was ineffective. Consequently, *Testerman* does not require us to consider that claim on direct appeal, and we decline to do so.

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