

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2088

September Term, 2015

JOSHUA LEON WOODS

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 5, 2017

*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.

Convicted of attempted second degree murder and related offenses following a jury trial, in the Circuit Court for Wicomico County, Joshua Leon Woods, appellant, raises a single issue on appeal: whether his trial counsel was ineffective by failing to investigate his mental health history for use as potential mitigation evidence at sentencing? We decline to address Woods’ claim on direct appeal and therefore affirm his convictions.

This Court only reviews ineffective assistance of counsel claims on direct appeal when “[t]he trial record is developed sufficiently to permit review and evaluation of the merits of the claim, and none of the critical facts surrounding counsel’s conduct is in dispute.” *In re Parris W.*, 363 Md. 717, 727 (2001). Otherwise, “the adversarial process found in a post-conviction proceeding generally is the preferable method in order to evaluate counsel’s performance, as it reveals facts, evidence, and testimony that may be unavailable to an appellate court using only the original trial record.” *Mosley v. State*, 378 Md. 548, 562 (2003).

Here, the record is not sufficiently developed to permit a fair evaluation of Woods’ claim that his defense counsel was ineffective. Even if the existing record clearly demonstrated that Woods’ trial counsel was deficient by not investigating Woods’ mental health history prior to sentencing, which it does not, we would still be unable to evaluate the merits of Woods’ claim because, without the benefit of a post-conviction proceeding, there is no evidence demonstrating what, if any, mitigating evidence appellant’s trial counsel would have discovered had such an investigation occurred. *See generally Strickland v. Washington*, 466 U.S. 668, 688, 694 (1984) (holding that a prisoner claiming that ineffective assistance of counsel rendered his conviction or sentence invalid must show

that (1) “counsel’s representation fell below an objective standard of reasonableness,” and (2) “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.”).

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