

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 586

September Term, 2023

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BOBBY LEROY DANIELS, III

v.

STATE OF MARYLAND

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Zic,  
Ripken,  
Wright, Alexander, Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 9, 2024

\*This is a per curiam opinion. Consistent with 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 Baltimore County, Bobby Leroy Daniels, III, appellant, was convicted of second-degree murder and use of a firearm during a crime of violence. On appeal, he contends that the evidence was insufficient to sustain his convictions because the State failed to disprove that he acted in either perfect or imperfect self-defense. As appellant acknowledges, however, this contention is not preserved for appellate review as he did not raise it when making his motion for judgment of acquittal at the close of all the evidence. *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)).

Relying on *Testerman v. State*, 170 Md. App. 324 (2006), appellant 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 *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.

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