

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1414

September Term, 2022

BRIAN BEM ADOM

v.

STATE OF MARYLAND

Leahy,
Albright,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 6, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*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 Frederick County, Brian Bem Adom, appellant, was convicted of resisting arrest, disorderly conduct, obstructing and hindering, and parking on the sidewalk. On appeal, appellant claims that the evidence was insufficient to sustain her¹ conviction for disorderly conduct because the State failed to prove that her conduct disturbed the public peace. However, as appellant acknowledges, this contention is not preserved for appellate review as she did not challenge the sufficiency of the evidence with respect to the charge of disorderly conduct when she made her 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)).

Relying on *Testerman v. State*, 170 Md. App. 324 (2006), appellant asks us to conclude that her 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 her defense counsel was ineffective.

¹ Appellant informed the trial court that she preferred to be referred to as “Ms. Adom” and the parties have referred to appellant using the pronouns her and she in their briefs. We shall do the same.

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 FREDERICK COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**