

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1833

September Term, 2022

RONALD ANTWAINE SPINNER

v.

STATE OF MARYLAND

Graeff,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 28, 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 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 Montgomery County, Ronald Antwaine Spinner, appellant, was convicted of one count of robbery. His sole contention on appeal is that there was insufficient evidence to sustain his conviction. Specifically, he claims that the State failed to prove that he possessed the intent to permanently deprive the victim of his property. However, when making his motion for judgment of acquittal appellant did not raise this claim. Rather, he only asserted that there was a “variance” issue regarding who the property was stolen from; that there was “conflicting testimony from the witnesses;” and there was “nothing inherently illegal about what happened[.]” Consequently, the issue is not preserved for appellate review. *See Peters v. State*, 224 Md. App. 306, 353-54 (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)).¹

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

¹ Although appellant does not specifically ask us to do so, we decline to exercise our discretion to engage in “plain error” review of this claim pursuant to Maryland Rule 8-131(a).