

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2301

September Term, 2015

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ARCHER SIERRA

v.

DANNY SHANE HAMBLIN

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Krauser, C.J.,  
Graeff,  
Nazarian,

JJ.

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PER CURIAM

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Filed: December 13, 2016

\*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.

On Monday October 19, 2015, Archer Sierra, appellant, filed a notice of appeal from a September 17, 2015, child custody order issued by the Circuit Court for Howard County. The appeal was docketed, in this Court, as Case No. 1819, September Term, 2015. Danny Hamblin, appellee, then filed, in the circuit court, a motion to strike Sierra’s notice of appeal as untimely. The circuit court granted that motion on November 30, 2015. Sierra then filed this appeal, contending that the circuit court erred in striking her notice of appeal. In response, Hamblin filed a line, in lieu of a brief, conceding that Sierra’s notice of appeal was timely. We agree and vacate the circuit court’s order striking Sierra’s appeal.

Maryland Rule 8-202 provides that a party must file his or her notice of appeal “within 30 days after entry of the judgment or order from which the appeal is taken.” Therefore, Sierra would normally have been required to file her notice of appeal from the circuit court’s September 17, 2015, custody order no later than October 17, 2015. Maryland Rule 1-203(a)(1) provides, however, that in calculating any period of time prescribed by the Maryland rules, the last day of the period is included unless “it is a Saturday, Sunday, or holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday or holiday[.]” Because October 17, 2015, fell on a Saturday, Sierra’s notice of appeal was not required to be filed until the next day that was not a Saturday, Sunday, or holiday, that is Monday October 19, 2015. Consequently, her notice of appeal that she filed on that date was timely.

Although we vacate the circuit court’s November 30th order, we will not remand the case to the circuit court. Instead, the proper remedy is “to place the parties in the position they would have been had the error not occurred” by reopening Case No. 1819,

September Term, 2015 in this Court so that the appeal may proceed as it should have absent the circuit court's error. *Edery v. Edery*, 213 Md. App. 369, 385 (2013).

**NOVEMBER 30, 2015, ORDER OF THE  
CIRCUIT COURT FOR HOWARD  
COUNTY STRIKING OCTOBER 19, 2015,  
NOTICE OF APPEAL IN COURT OF  
SPECIAL APPEALS CASE NO. 1819,  
SEPTEMBER TERM, 2015 IS VACATED.  
APPEAL IN CASE NO. 1819, SEPTEMBER  
TERM, 2015 IS REOPENED. COSTS TO BE  
PAID BY APPELLEE.**