

Circuit Court for Baltimore City
Case No. 24-C-18-001555

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 0212

September Term, 2023

LESLIE W. KIDNER, ET AL.

v.

TRACEY S. WATSON

Nazarian,
Zic,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: July 2, 2024

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Two siblings, Leslie Kidner and Christopher Watson (“Appellants”), filed, in the Circuit Court for Baltimore City, a civil complaint against their sister, Tracey Watson (“Appellee”), alleging breach of fiduciary duty and tortious interference with an expected inheritance. The allegations stemmed from two primary sources: Appellee’s actions as trustee of a residuary trust of which Appellants were eventual beneficiaries, and Appellee’s receipt of monies and other valuables from the parties’ father, David Watson, prior to his death in 2016. Following a bench trial, the trial court granted judgment in favor of Appellee on both counts. This appeal followed.

QUESTIONS PRESENTED

Appellants presented ten questions for our review. For clarity, we have rephrased those questions as follows:

1. Whether the trial court applied the correct standard of proof in assessing whether Appellee abused her confidential relationship with David Watson.
2. Whether the trial court properly considered whether the payments made by David Watson to Appellee were fair and reasonable.
3. Whether the trial court properly considered whether Appellee should have disclosed certain information regarding payments she received from David Watson.
4. Whether the trial court erroneously shifted the burden to Appellants to prove David Watson’s mental capacity.
5. Whether the trial court erred in assessing the evidence regarding David Watson’s mental capacity.
6. Whether the trial court properly considered the testimony of Appellants’ expert witness.

7. Whether the trial court erred in admitting into evidence a letter that had purportedly been signed by David Watson prior to his death.
8. Whether the trial court properly considered Appellee’s disposition of certain trust assets following David Watson’s death.
9. Whether the trial court properly considered Appellee’s alleged use of trust funds to pay attorney’s fees.
10. Whether the trial court erred when, during Appellee’s cross-examination of Appellant’s expert witness, the court did not permit the expert witness to give a detailed response to a “yes or no” question.

For the following reasons, we find the trial court committed no error, and therefore affirm its judgment.

BACKGROUND

As noted, Appellants and Appellee (collectively the “parties”) are siblings. In 2009, the parties’ mother passed away, leaving a will that established a residuary trust (the “Trust”) naming the parties’ father, David Watson, as the beneficiary. Sometime later, Appellee began taking a more active role in the management of her father’s affairs. In 2011, Appellee became trustee of the Trust. Around that same time, Appellee was added as a joint owner of David Watson’s checking account (the “Joint Bank Account”) so that she could pay his bills and otherwise manage his affairs.

David Watson died in 2016. Per the terms of the Trust, the parties became the beneficiaries of the Trust assets. At the time of David Watson’s death, Appellants believed that the Trust contained \$148,521.74, a portion of which they expected to

receive. Appellants also expected to receive a portion of David Watson’s estate, which they believed was valued at approximately \$1.7 million.

Sometime after David Watson’s death, Appellants discovered that the value of the assets in the Trust and in David Watson’s estate was significantly lower than what they had originally believed. Appellants subsequently filed a civil complaint against Appellee, alleging two causes of action: breach of fiduciary duty and intentional interference with an expected inheritance.¹ Appellants alleged that David Watson had, prior to his death, entrusted Appellee with overseeing many of his financial affairs and that a confidential relationship existed between the two. Appellants averred that Appellee had used her position of confidence to access David Watson’s assets at a time when he was elderly, vulnerable, and suffering from mental infirmities. Appellants alleged that Appellee had subsequently misappropriated a significant portion of David Watson’s assets to pay for her own personal and business expenses. Specifically, Appellants alleged that Appellee had accessed David Watson’s checking account to pay her mortgage, pay off her credit card debt, and make loans to her company that were never repaid. Appellants further alleged that Appellee had wrongfully facilitated the transfer of David Watson’s interests in personal and real property, which included David

¹ Appellants originally brought nine causes of action, but, after Appellee filed several motions to dismiss, the circuit court dismissed those causes of action for failure to state a claim upon which relief could be granted. Appellants noted an appeal to this Court, and we reversed the court’s judgment with respect to Appellants’ claims for breach of fiduciary duty and intentional interference with an expected inheritance. *Kidner v. Watson*, No. 2454, Sept. Term, 2019, 2021 WL 4804775 (filed October 14, 2021). The case was remanded back to the circuit court, and Appellants filed the instant complaint.

Watson’s one-half interest in real estate located at 2063 York Road in Timonium (the “York Road Property”). Appellants averred that Appellee’s actions constituted a breach of her fiduciary duty as trustee of the Trust and interfered with Appellants’ expected inheritance from David Watson’s estate.

Trial

At trial, Appellee testified that she began paying her father’s bills in 2010 and continued doing so up until his death in 2016. Appellee testified that her name was added to the Joint Bank Account in 2010 and that she used that account to pay her father’s expenses. Appellee stated that she became trustee of the Trust the following year and that the Joint Bank Account was partly funded by money from the Trust. Appellee admitted that she used some of her father’s money to pay her own bills and expenses, including her mortgage and business expenses, but that her father had approved of her doing so. Appellee testified that, at the time, her father had an attorney-in-fact, an accountant, and an attorney. Appellee testified that her father had discussed her use of his funds with his attorney. Appellee testified that, beginning in August 2010, her father lived in various assisted living facilities in Maryland. Appellee testified that the cost of those facilities was approximately \$5,000.00 to \$8,000.00 per month and that she paid for those costs out of the Joint Bank Account. Appellee testified that, at some point during that time, her father conveyed to her an interest in the York Road Property, which was later sold. Appellee testified that the proceeds of the sale went back into the Trust.

Appellant Watson testified that he had a good relationship with his father and that he saw him on a weekly basis in the years leading up to his death. Appellant Watson

stated that, during that time, he began noticing a decline in his father’s cognitive abilities. Appellant Watson stated that his father never disclosed that he was paying Appellee’s bills and expenses. Appellant Watson stated that, shortly after his father’s death in 2016, he asked Appellee for an accounting of his father’s finances, but Appellee failed to provide one.

Appellant Kidner testified that, after her mother died in January 2009, she assisted her father with his financial affairs until July 2009, at which point she moved to Arizona. Appellant Kidner stated that her father had “diminished capacity” during the time that she assisted him with his expenses. Appellant Kidner stated that, after she moved to Arizona, she returned to Maryland dozens of times to visit with her father. Appellant Kidner testified that she did not become aware that Appellee was managing her father’s affairs until after her father’s death in 2016. Appellant Kidner stated that she had thought that her father’s advisors were handling those duties. Appellant Kidner testified that, after her father died, she discovered that “there was no money left,” so she asked for an accounting of her father’s finances. Appellant Kidner stated that, as of trial, she had never received an accounting.

Tania Charchalis, an accountant, testified that she had previously been hired to do tax preparation for Appellee, David Watson, the Trust, and Appellee’s business. Ms. Charchalis explained that Appellee’s business, which was named David R. Watson Catering, was a family-owned catering business. Ms. Charchalis stated that, when she was hired, she met with both Appellee and David Watson to discuss her engagement. Ms. Charchalis testified that Appellee’s business was not successful. Ms. Charchalis stated

that, while the business was operating, David Watson willingly made several loans to the company.

Margaret Strott, David Watson’s sister, testified that she had myriad personal interactions with David Watson in the years following his wife’s death in 2009. Ms. Strott stated that at no point during that time did she have concerns about her brother’s cognitive abilities or his relationship with Appellee.

Lydia Smith, a family friend and nursing specialist, testified that she provided caregiver services for David Watson following his wife’s death in 2009. Ms. Smith testified that at no point did she observe David Watson under distress or being manipulated by Appellee. Ms. Smith added that David Watson was heavily involved in Appellee’s business and “just wanted to go [to the office] and just help [Appellee] out and all of that good stuff.”

Court’s Ruling

At the conclusion of the evidence, the trial court issued an oral ruling from the bench. At the outset of its ruling, the court noted that all of its findings included credibility determinations based on its opportunity to observe the witnesses. The court also noted that, while Appellants had the general burden of proof, the burden shifted to Appellee to show by clear and convincing evidence that any gifts were “fair and reasonable and not the result of undue influence.”

The court found “diminished credibility in all three parties.” As to Appellee, the court noted that there were multiple instances when Appellee “showed great frustration with being questioned about things” and that, at times, Appellee “resorted to testifying

that she did not recall things in order to avoid answering them.” The court concluded that Appellee’s reluctance to answer certain questions was “a form of false testimony.” As to Appellant Watson, the court observed that he “seemed as if he was sharpening the blade for the claims that were being made, rather than dispassionately trying to relate what the facts were.” As to Appellant Kidner, the court observed that she “testified in a very conclusory way.”

As to the Joint Bank Account, the court found by clear and convincing evidence that it was David Watson’s property and that, when Appellee was spending money from that account, she was spending David Watson’s money. The court also found that Appellee had a confidential relationship with David Watson. The court found it “undisputed” that Appellee was “in the lead among the three siblings in terms of managing [David Watson’s] day-to-day affairs” and that, in turn, David Watson “reposed confidence in [Appellee] in providing that assistance to him.”

The court noted that Appellee used money from the Joint Bank Account to pay her mortgage. The court found, by clear and convincing evidence, that David Watson had the capacity to make a gift and that he did authorize Appellee to use the funds for, among other things, the payment of her mortgage. The court found that, while David Watson’s actions may have distressed Appellants, his “favor” toward Appellee was not “unusual in these particular circumstances.”

The court noted that, in the years leading up to his death, David Watson had several independent advisors with whom he could communicate. The court also noted that, over that same span, David Watson had regular contact with both Appellants. The

court concluded that each of those individuals had ample opportunity to observe David Watson and provide a forum for him to raise any issues he may have had with his mental capacity and/or Appellee’s handling of his affairs. The court highlighted the testimony of Ms. Smith, one of David Watson’s caregivers, who stated that she did not observe Mr. Watson under distress or being manipulated by Appellee. The court also highlighted the testimony of Ms. Strott, David Watson’s sister, who stated that David Watson was doing well and was not, based on her observations, being exploited by Appellee.

As to the purported loans from David Watson to Appellee, the court credited the testimony of Ms. Charcalis, who stated that the loans were genuine loans to Appellee’s company. The court explained that, although the loans may have been “unwise” given the financial state of the company and the likelihood that the loans would not be repaid, it was clear from the testimony that the company was “very important” to David Watson and “was part of what created a special relationship between him and [Appellee.]” The court found that the loans were “a voluntary act on [David Watson’s] part” and were linked to “his desire to see [the company] continue.”

As to the York Road Property, the court found by clear and convincing evidence that David Watson had the desire and capacity to transfer his ownership in the property to Appellee as a gift. The court explained that, while the proceeds of the sale may have constituted trust proceeds, there was no evidence that Appellee failed to properly fund the trust following the sale.

As to “miscellaneous payments” and other tangible items received by Appellee from David Watson’s assets, the court found that, consistent with David Watson’s desire

to pay Appellee’s mortgage, the various payments and items were gifts, which David Watson had a right to make. The court found that Appellants had failed to show that certain credit card charges and caregiver expenses were improper, unauthorized, or not for David Watson’s benefit. The court found that, while Appellee clearly “handled these accounts poorly” and engaged in “sloppy” record keeping, there was no evidence of a breach of fiduciary duty or intentional tort.

Based on those findings, the court granted judgment to Appellee on both counts. This timely appeal followed. Additional facts will be supplied as needed below.

STANDARD OF REVIEW

“When reviewing an action tried without a jury, we review the judgment of the trial court ‘on both the law and evidence.’” *Baltimore Police Dep’t v. Brooks*, 247 Md. App. 193, 205 (2020) (quoting *Banks v. Pusey*, 393 Md. 688, 697 (2006)). We “will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and [we] will give due regard to the opportunity of the trial court to judge the credibility of the witnesses.” Md. Rule 8-131(c). Issues of law, however, are reviewed *de novo*. *Brooks*, 247 Md. App. at 205.

DISCUSSION

I. THE TRIAL COURT CORRECTLY APPLIED THE CLEAR AND CONVINCING STANDARD OF PROOF TO ASSESS WHETHER MS. WATSON ABUSED HER CONFIDENTIAL RELATIONSHIP WITH DAVID WATSON.

Appellants first contend that the trial court failed to apply the correct standard of proof in assessing Appellee’s good faith and the voluntariness of David Watson’s various payments to Appellee. Appellants note that, when a confidential relationship exists

between two parties and one of the parties receives a benefit from the other party, the receiving party bears the burden of showing, by clear and convincing evidence, the fairness and reasonableness of the transaction. *Upman v. Clarke*, 359 Md. 32, 42-43 (2000). Appellants argue that, while the court correctly concluded that a confidential relationship existed between Appellee and David Watson, the court incorrectly applied a “preponderance of the evidence” standard without shifting the burden to Appellee to show, by clear and convincing evidence, the propriety of the various benefits she received from David Watson.

Appellee contends that the court did not err. Appellee asserts that Appellants are mistaken and that the court applied the correct standard.

We hold that the court did not err. The record makes plain that the court appropriately shifted the burden to Appellee and applied the “clear and convincing” standard in assessing the fairness and reasonableness of the various transactions between Appellee and David Watson. Appellants’ claims are simply not supported by the record.

II. THE TRIAL COURT DID NOT ERR WHEN IT DETERMINED THAT THE PAYMENTS MADE BY DAVID WATSON TO MS. WATSON WERE FAIR AND REASONABLE.

Appellants next argue that the trial court failed to properly consider whether Appellee had proven that the payments she received from David Watson were fair and reasonable. Appellants contend that, while the court may have evaluated the fairness of the payments as gifts, the court did not evaluate whether or how those payments were fair and reasonable to David Watson.

Appellee contends that the court did not err. Appellee argues that the court properly found that the gifts from David Watson were fair and reasonable.

We hold that the court did not err. As discussed, where a party in a confidential relationship receives a benefit from the other party, the receiving party bears the burden of showing the fairness and reasonableness of the transaction. *Upman*, 359 Md. at 42-43. The factors a court should consider in determining whether a transaction is fair and reasonable include:

(1) the voluntariness of the act; (2) the stripping of the donor of his or her assets vis-a-vis the incidence of control retained by the donor; (3) the motive of the person in whom the confidence was reposed; (4) the degree to which the donor heeded the advice of the person possessed of the donor's confidence; (5) whether the donor acted upon independent advice; and (6) the comprehension of the donor of what he or she was doing.

Midler v. Shapiro, 33 Md. App. 264, 273-74 (1976) (citations omitted).

Here, the court's oral findings are replete with instances in which the court considered whether and how the disputed payments were fair and reasonable to David Watson. With respect to the loan payments from David Watson to Appellee's company, the court found that the company was "very important" to David Watson and that the loans were linked to "his desire to see [the company] continue." Regarding David Watson's payment of Appellee's mortgage, the court found that, because Appellee was the primary person responsible for managing his affairs, David Watson "favor[ed]" Appellee and bestowed gifts upon her. On multiple occasions, the court discussed the voluntariness of David Watson's actions and his understanding of the nature of the

benefits he was bestowing upon Appellee. The court noted that David Watson had several individuals in his life, including Appellants, who could have advised him regarding his financial affairs. The court also noted that several individuals who were close with David Watson testified that he did not appear to be in distress. From that, it is clear that the court thoroughly considered the fairness and reasonableness of the disputed transactions.

III. THE TRIAL COURT PROPERLY CONSIDERED WHETHER MS. WATSON SHOULD HAVE DISCLOSED CERTAIN INFORMATION REGARDING PAYMENTS SHE RECEIVED FROM DAVID WATSON.

Appellants next argue that the trial court erred in failing to consider Appellee’s “non-disclosure of payment information as a factor affecting the weight of the evidence presented.” Appellants contend that the court, in determining that the payments from David Watson to Appellee were gifts, “offered no reasoning for finding Appellee trustworthy on this matter.”

Appellee contends that the court did not err. Appellee argues that she had no legal duty to provide information to Appellants regarding David Watson’s financial affairs.

We are not persuaded that the court erred. The court, as the fact-finder, was entitled to accept Appellee’s testimony as credible, regardless of whether Appellee’s credibility may have been undermined, to some extent, by other evidence. *See Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) (“In its assessment of the credibility of witnesses, the [court] was entitled to accept—or reject—all, part, or none of the testimony of any witness, whether that testimony was or was not contradicted or corroborated by any other evidence.”). The court was not required to provide reasoning for finding Appellee

trustworthy. *See Wisneski v. State*, 169 Md. App. 527, 555-56 (2006) (noting that the trial court “is presumed to know the law and apply it properly,” and that the court need not “spell out every step in weighing the considerations that culminate in a ruling”).

IV. THE TRIAL COURT DID NOT SHIFT THE BURDEN TO APPELLANTS TO PROVE DAVID WATSON’S MENTAL CAPACITY.

Appellants next argue that the trial court erred in requiring them to prove David Watson’s incapacity. Appellants point to remarks the court made during its oral ruling, in which the court noted that Plaintiffs had not produced any of David’s Watson’s medical records, which the court believed would have been helpful in determining David Watson’s health.

Appellee contends that the court did not err. Appellee insists that the court required Appellants to prove David Watson’s incompetence, and that this requirement was correct.

We hold that the court did not err. Although the court did remark on the absence of medical records, there is no indication that the court was requiring Appellants to prove that the gifts to Appellee were the free, voluntary, and independent acts of David Watson. *See Upman*, 359 Md. at 42-43 (maintaining that the burden is not on the plaintiff to prove any gift was a “deliberate and voluntary act” and was “fair, proper and reasonable under the circumstances.”). To the contrary, the record makes plain that, at all relevant times, the court placed the burden on Appellee to prove the fairness and reasonableness of the disputed transactions. The court did not improperly shift the burden to Appellants to prove that David Watson was mentally incapacitated.

V. THE TRIAL COURT DID NOT ERR WHEN DETERMINING EACH PARTIES’ CREDIBILITY CONCERNING DAVID WATSON’S MENTAL CAPACITY.

Appellants next claim that the court erred “in its assessment of the relative reliability of the testimonies concerning David Watson’s mental capacity.” Appellants argue that the court should have given greater weight to their testimony on the subject.

Appellee contends that the court did not err. Appellee argues that the court’s assessment of the parties’ credibility was appropriate.

We hold that the court did not err. The court, as the fact-finder, had the discretion to determine which testimony to accept and which testimony to reject. *Qun Lin v. Cruz*, 247 Md. App. 606, 628-29 (2020). That the court was not persuaded by Appellants’ testimony does not render the court’s findings clearly erroneous. *See Bricker v. Warch*, 152 Md. App. 119, 137 (2003) (“[I]t is . . . almost impossible for a judge to be clearly erroneous when he is simply not persuaded of something.”) (emphasis removed).

VI. THE TRIAL COURT PROPERLY CONSIDERED THE TESTIMONY OF APPELLANTS’ EXPERT WITNESS.

Appellants next claim that the trial court did not properly consider the testimony of their expert witness, David Sexton, who had testified that certain documentary evidence presented by Appellee had been forged. Appellants insist that Mr. Sexton’s testimony was particularly impactful given that Appellee provided no contrary expert testimony.

Appellee contends that the court did not err. Appellee argues that Appellants’ claims are based on the erroneous assumption that, because the court did not mention the expert’s testimony during its oral ruling, the court did not consider it. Appellee maintains

that the court was under no obligation to accept that testimony or discuss it in the court’s oral ruling.

We agree with Appellee. The court’s failure to mention Appellants’ expert witness’s testimony in its oral ruling does not mean that the court did not consider that testimony. The record makes plain that the court considered all evidence in reaching its decision. To the extent that the court considered the expert’s testimony and found it unpersuasive, we see nothing erroneous about that decision. *See Dackman v. Robinson*, 464 Md. 189, 216 (2019) (“[E]ven if a witness is qualified as an expert, the fact-finder need not accept the expert’s opinion, *i.e.*, the fact-finder is free to reject the expert’s opinion and accord it little or no weight.”) (cleaned up).

VII. THE TRIAL COURT DID NOT ERR IN ADMITTING INTO EVIDENCE A LETTER THAT WAS PURPORTEDLY WRITTEN AND SIGNED BY DAVID WATSON PRIOR TO HIS DEATH.

Appellants’ next claim of error concerns a letter that was purportedly written and signed by David Watson in August 2010. In that letter, David Watson allegedly indicated that he wanted to give Appellee certain items and pay her mortgage. At trial, Appellee attempted to introduce the letter into evidence during her testimony. In so doing, Appellee testified that she was familiar with her father’s signature and that she believed he had signed it. Appellee stated, however, that she did not prepare the document and was not present when it was signed.

Before the court could admit the letter, Appellants objected. Appellants argued that Appellee had not laid the proper foundation for the letter’s admission. After a brief discussion, the court asked Appellee when she first saw the letter. Appellee responded

that she “saw it when this case began.” The court admitted the letter into evidence “subject to rebuttal.”

Appellants now argue that the court erred in admitting the letter into evidence. Appellants claim that Appellee did not establish the proper foundation. Appellants also claim that the court should have addressed the document’s relevance and weight in its oral ruling.

Appellee contends that the court did not err. Appellee asserts that the court properly admitted the letter based on her identification of David Watson’s signature.

We hold that the court did not err in admitting the letter. “The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.” Md. Rule 5-901(a). Examples of authentication or identification conforming with that requirement include “[n]on-expert opinion as to the genuineness of handwriting, based upon familiarity not acquired for purposes of the litigation.” Md. Rule 5-901(b)(2).

Here, Appellee identified David Watson’s signature on the letter. That was a sufficient foundation for the letter’s admission.

Assuming, *arguendo*, that the court erred in admitting the letter, we fail to see how Appellants were prejudiced by the court’s decision. *See* Md. Rule 5-103(a) (“Error may not be predicated upon a ruling that admits or excludes evidence unless the party is prejudiced by the ruling.”). As Appellants point out, the court did not discuss the letter in its oral ruling, which suggests that the letter did not play a factor in the court’s decision. Appellants present no evidence or argument suggesting that the introduction of the letter

had any discernable effect on the proceedings below. *See MEMC Elec. Materials, Inc. v. BP Solar Int'l, Inc.*, 196 Md. App. 318, 342 (2010) (“The party maintaining that error occurred has the burden of showing that the error complained of likely affected the verdict below.”) (citations and quotations omitted).

VIII. THE TRIAL COURT PROPERLY CONSIDERED APPELLEE’S DISPOSITION OF CERTAIN TRUST ASSETS FOLLOWING DAVID WATSON’S DEATH.

Appellants next claim that the trial court erred in “not considering the disposition of the remaining balance of the residuary trust account after David Watson’s death.” Appellants argue that the court failed to apply the principle of “ademption by extinction,” which required that any remaining trust money go to the Trust’s beneficiaries following David Watson’s death.² Appellants contend that the court should have identified non-reimbursable amounts paid from the Trust for Appellee’s personal claims and required Appellee to produce an accounting regarding such expenditures.

Appellee contends that the court did not err. Appellee insists that the court properly addressed Appellants’ claims regarding Trust assets.

We hold that the court did not err. In its oral ruling, the court found that benefits received by Appellee from David Watson, including monies from the Trust, were properly bestowed as gifts. The court also found that, although Appellee’s overall handling of the Trust was “sloppy,” her actions did not constitute a breach of her duties

² “Ademption by extinction” occurs when “the unique property that is the subject of the specific bequest has been sold, given away, or destroyed, or is not otherwise in existence at the time of the testator’s death.” *YIVO Inst. for Jewish Research v. Zaleski*, 386 Md. 654, 663-64 (2005) (citations and quotations omitted).

as trustee. Implicit in that finding is that Appellee used Trust proceeds properly, both before and after David Watson’s death. The court then ordered that any proceeds remaining in the Trust be distributed according to the Trust instrument. Thus, the court did consider the disposition of the remaining balance of the Trust proceeds following David Watson’s death.

IX. THE TRIAL COURT DID NOT ERR IN FINDING THAT APPELLEE DID NOT MISUSE TRUST FUNDS.

Appellants next claim that the trial court erred in “failing to disallow the Appellee’s attorney’s fees from the residuary trust due to the Appellee[’s] willful and bad-faith actions.” Appellants argue that Appellee’s failure to provide a proper accounting undermined her credibility.³

Appellee contends that the court did not err. Appellee asserts that the court properly denied the requested relief.

We hold that the court did not err. Again, the court, as the fact-finder, had the discretion to credit Appellee’s testimony regarding her use of Trust assets and to find, based on that testimony, that Appellee used the assets properly. That Appellee’s testimony may have been uncorroborated or contradicted by other evidence is irrelevant.

³ Appellants again suggest that the court did not apply the correct standard in assessing whether David Watson had approved of the various transactions. As discussed in Part I, the record shows that the court did utilize the correct standard.

X. THE TRIAL COURT DID NOT ERR WHEN IT DID NOT ALLOW APPELLANTS’ EXPERT WITNESS TO PROVIDE A DETAILED RESPONSE TO A “YES OR NO” QUESTION DURING APPELLEE’S CROSS-EXAMINATION.

Appellants’ final claim concerns an issue that arose during Appellee’s cross-examination of Appellants’ expert witness. On direct, the expert witness had testified that the signature on the letter that had purportedly been authored and signed by David Watson in August 2010 was different from other examples of David Watson’s known signature, which were derived from various other documents. On cross-examination, the expert was asked about his knowledge of the signature on those other documents:

[COUNSEL FOR APPELLEE]: So let me ask the question again. You have no first-hand knowledge of whether or not what you are identifying on [this document] as David Watson’s known signature is a known signature. Correct?

[WITNESS]: They --

[COUNSEL FOR APPELLEE]: It’s a yes or no question.

[WITNESS]: Basically I have no knowledge of being there at the time that the signature were [sic] prepared. However --

[COUNSEL FOR APPELLEE]: And --

[WITNESS]: -- I’ve prepared.

[COUNSEL FOR APPELLEE]: There’s no other question.

[WITNESS]: Well, I’m an expert witness. I can explain things to you sir.

THE COURT: Well, actually you can answer just his question on cross.

[COUNSEL FOR APPELLEE]: Thank you, Your Honor.

[WITNESS]: Is that right, Your Honor?

THE COURT: That is correct.

Appellants now claim that the trial court erred in limiting their expert witness’s testimony to a “yes” or “no” answer. Appellants contend that the court’s decision “unfairly hindered the Appellants’ case by not allowing for detailed explanations.”

Appellee contends that Appellants’ claim is unpreserved because Appellants never objected. Appellee also contends that the trial court’s decision was a reasonable exercise of the court’s discretion.

We agree with Appellee that Appellants’ claim is unpreserved. When the court instructed the expert witness to “just answer his question on cross,” Appellants did not object or otherwise indicate the nature of the testimony that the expert would have provided had the court permitted him to testify in greater detail. As such, the issue is not preserved for our review. *See Tetso v. State*, 205 Md. App. 334, 399-401 (2012) (holding that the limitation of the cross-examination of a witness must be preserved for appellate review consistent with Maryland Rule 5-103); *see also* Md. Rule 5-103.

Even if Appellants’ claim was preserved, we are not persuaded that the court erred. The court, in making the disputed comment, simply informed the expert witness that he should limit his answers to the questions as posed. If, at that point, Appellants wanted the witness to explain his answers in greater detail, they could have subjected him to redirect examination, which the court offered, and which Appellants declined. Given those circumstances, we cannot say that the court abused its discretion in its handling of the matter. *See Cagle v. State*, 235 Md. App. 593, 609 (2018) (“[A] ‘trial court has broad

discretion in determining the scope of cross-examination, and we will not disturb the exercise of that discretion in the absence of clear abuse.’”) (quoting *Martin v. State*, 364 Md. 692, 698 (2001)).

Finding no error on the part of the circuit court, we affirm.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED;
COSTS TO BE PAID BY APPELLANTS.**