

Circuit Court for Howard County
Case No. C-13-FM-23-807724

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 235

September Term, 2023

EMERSON SANDY

v.

LYNA VANJAH

Berger,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 2, 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.

Emerson Sandy, appellant, appeals from an order issued by the Circuit Court for Howard County granting a final protective order against him, and in favor of Lyna Vanjah, appellee. On appeal, he contends that his “testimony was not taken into consideration” and, therefore, that there “was bias[] by the judge.” For the reasons that follow, we shall affirm.¹

In reviewing the issuance of a final protective order, we accept the circuit court’s findings of facts unless they are clearly erroneous. Maryland Rule 8-131(c); *Barton v. Hirshberg*, 137 Md. App. 1, 21 (2001). In doing so, we defer to the court’s determinations of credibility, as it has “the opportunity to gauge and observe the witnesses’ behavior and testimony during the [hearing].” *Barton*, 137 Md. App. at 21 (quoting *Ricker v. Ricker*, 114 Md. App. 583, 592 (1997)). In assessing the credibility of the witnesses who testify at a final protective order hearing, the circuit court is “entitled to accept – or reject – *all, part, or none* of” their testimony, “whether that testimony was or was not contradicted or corroborated by any other evidence.” *Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) (emphasis in original). It is “not our role, as an appellate court, to second-guess the trial judge’s assessment of a witness’s credibility.” *Gizzo v. Gerstman*, 245 Md. App. 168, 203 (2020).

Following a hearing on appellant’s petition for a protective order, the court found that appellant had placed appellee in fear of imminent serious bodily harm by becoming “aggressive [with her] during [an] exchange of [their] children[,]” and threatening to stab

¹ Appellant has also filed a “Motion to Dismiss Protective Order.” For the same reasons set forth herein, we shall deny that motion.

her friend in front of her children. This finding was based on appellee’s testimony to that effect, which the court found to be credible. The court also heard testimony from appellant. But it did not find his contrary testimony regarding the incident to be credible. Accordingly, the court found, by a preponderance of the evidence, that a protective order was warranted. Based on our review of the record, we cannot say that the court’s decision to credit appellee’s testimony was clearly erroneous. Moreover, the rejection of appellee’s testimony does not, without more, demonstrate that the court was biased against him. Consequently, we shall affirm the judgment of the circuit court.

**MOTION TO DISMISS
PROTECTIVE ORDER DENIED.
JUDGMENT OF THE CIRCUIT
COURT FOR HOWARD COUNTY
AFFIRMED. COSTS TO BE PAID
BY APPELLANT.**