

Circuit Court for Prince George's County
Case No.: C-16-FM-23-809557

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1275

September Term, 2023

IMANI MASON

v.

CARLITTA MASON

Leahy,
Kehoe, S.,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 9, 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.

Following a hearing in the Circuit Court for Prince George’s County, Carlitta Mason, appellee (“Grandmother”), was granted a final protective order on behalf of four of her grandchildren against their mother, Imani Mason, appellant (“Mother”). Mother timely appealed.

In reviewing the issuance of a final protective order, we accept the circuit court’s findings of facts unless they are clearly erroneous. Md. 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 (cleaned up). In reviewing the circuit court’s ultimate decision to grant a final protective order, we independently apply the law to the particular facts of the case. *Piper v. Layman*, 125 Md. App. 745, 754 (1999).

To be granted a final protective order, the party seeking the order must show “by a preponderance of the evidence that the alleged abuse has occurred[.]” Md. Code Ann., Family Law (“F.L.”) § 4-506(c)(1)(ii). The Family Law Article defines “abuse” expansively to include: acts that cause serious bodily harm or place a person in fear of imminent serious bodily harm; assault in any degree; rape or sexual offenses; attempted rape or sexual offenses; false imprisonment; stalking; or revenge porn. F.L. § 4-501(b).

The court here, relying on reports from Child Protective Services and the Capitol Heights Police Department, as well as testimony from the parties, found by a preponderance of the evidence that there was evidence of physical abuse. Mother, on appeal, does not seem to dispute any of the court’s findings. Instead, as best we can tell,

she first contends she was “not giv[en] [] the right to be heard” concerning a separate protective order she had against Grandmother. On the contrary, the transcript of the hearing shows a lengthy back-and-forth between Mother and the court about the alleged protective order she had against Grandmother. The court informed her that there was, in fact, no active protective order; the order to which Mother was referring had been dismissed.

Mother’s remaining arguments generally allege that Grandmother had ulterior motives for seeking the protective order and that the children are being abused in her custody. Mother raised similar arguments about Grandmother’s motives at the protective order hearing. Even if these arguments were relevant to the court’s finding of abuse, the record reflects that the court chose to resolve the conflicting testimony in favor of Grandmother. And nothing in the record indicates its decision to do so was clearly erroneous. *See Barton*, 137 Md. App. at 21. Mother’s contention that the children are being abused in Grandmother’s custody alleges incidents that occurred after the entry of the protective order that spawned this appeal. Consequently, Mother did not raise these allegations to the circuit court. They are, therefore, outside the record and beyond the scope of our review. *See Md. Rule 8-131(a)* (“Ordinarily, an appellate court will not decide any [] issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]”). Accordingly, the circuit court did not err or abuse its discretion in entering the final protective order against Mother.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**