

Circuit Court for Montgomery County
Case No. C-15-FM-23-811105

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1720

September Term, 2023

CLARENCE GILCHRIST

v.

LAISHA HENRY

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

JJ.

PER CURIAM

Filed: July 5, 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.

Clarence Gilchrist, appellant, appeals from an order issued by the Circuit Court for Montgomery County granting a final protective order against him, and in favor of Laisha Henry, appellee. In addition to ordering that appellant have no contact with appellee, and not threaten or harass her, the final protective order also awarded appellee temporary custody of the parties’ minor children. On appeal, appellant raises three issues, which reduce to one: whether the court erred in granting the final protective order. For the reasons that follow, we shall affirm.

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, at which both parties provided conflicting testimony, the court entered a final protective order, finding that appellant had placed appellee in fear of imminent serious bodily harm by making “harassing and threatening phone calls, texts, and

emails.” This finding was based on appellee’s testimony to that effect, which the court found to be credible. On appeal, appellant generally denies threatening appellee and raises issues with respect to appellee’s alleged behavior both before and after the hearing on her petition for the protective order. For example, he contends that: (1) appellee “falsified” her report of abuse; (2) that he has “never been a threat or hurt any child;” (3) their “sons are being neglected;” (4) appellee is using drugs; (5) that appellee is dating a “murderer and known gang member” who has threatened him and “rules her finances;” and (6) appellee has “weaponized the system against [him] to prolong the custody case and hide what has been going on.” But appellant raised these allegations during his testimony in an attempt to discredit appellee. And the court nevertheless found appellee’s testimony to be credible. Thus, the court was presumably not persuaded with appellant’s claims that his previously filed custody case was the impetus for appellee filing the petition for protective order, or that appellee was otherwise being untruthful about the alleged abuse.

Based on our review of the record, we cannot say that the court’s credibility determinations with respect to the parties’ testimony were clearly erroneous. Appellant does not otherwise contend that appellee’s testimony, if believed, was insufficient to establish that the alleged abuse occurred. Moreover, appellant has not demonstrated that the court abused its discretion in its award of temporary custody of the parties’ minor children to appellee, with supervised visitation to appellant, during the pendency of the

final protective order. *See* Fam. Law. Art. 4-506(d)(7) & (8) (allowing for the same).

Consequently, we shall affirm the judgment of the circuit court.

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

The correction notice(s) for this opinion(s) can be found here:

<https://mdcourts.gov/sites/default/files/import/appellate/correctionnotices/cosa/unreported/1720s23cn.pdf>