

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 141

September Term, 2023

CARYN HEALANDER

v.

THE ESTATE OF DAVID HEALANDER

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

JJ.

PER CURIAM

Filed: January 19, 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.

Caryn Healander, appellant, appeals from a final judgment of the Circuit Court for Montgomery County awarding David Healander¹ an absolute divorce; denying appellant’s request to transfer ownership of the parties’ marital home to her; ordering that the parties’ marital home be sold, and the proceeds divided equally between them; and denying the parties’ requests for monetary awards, alimony, and attorney’s fees. Appellant raises three issues on appeal: (1) whether the court abused its discretion in allowing Mr. Healander to testify because, she claims, he was incompetent; (2) whether the court abused its discretion in denying her request for alimony; and (3) whether the court abused its discretion in denying her request for *Crawford* credits² related to the marital home. For the reasons that follow, we shall affirm.

Md. Rule 8-504(a)(6) requires appellate briefs to contain “[a]rgument in support of the party’s position on each issue.” “[I]f a point germane to the appeal is not adequately raised in a party’s brief, the court may, and ordinarily should, decline to address it.” *DiPino v. Davis*, 354 Md. 18, 56 (1999). “A single sentence is insufficient to satisfy [Rule 8-504(a)(6)]’s requirement.” *Silver v. Greater Balt. Med. Ctr.*, 248 Md. App. 666, 688 n.5 (2020). For these reasons, “Maryland courts have the discretion to decline to address issues that have not been adequately briefed by a party.” *Tallant v. State*, 254 Md. App. 665, 689

¹ David Healander passed away during the pendency of this appeal. The Estate of David Healander has been substituted as the appellee.

² In *Crawford v. Crawford*, 293 Md. 307 (1982) the Supreme Court of Maryland “abolished the presumption of gift between separated spouses and permitted a spouse to seek contribution in those instances when married parties were not residing together and one of them, or the other, had paid a disproportionate amount of the carrying costs of property.” *Baran v. Jaskulski*, 114 Md. App. 322, 328 (1997).

(2022). Additionally, a party’s factual assertions in a brief must be supported by specific references to the record extract. Md. Rule 8-504(a)(4).

Here, appellant’s statement of facts and argument section contain no references to the transcript or record extract, and include little relevant information related to the questions she presents on appeal. More concerning is that appellant’s argument section, which spans little more than a page, contains no citations to relevant legal authority beyond generally citing to the Maryland Rules governing competency and two cases which generally set forth the criteria for determining whether to award alimony. Moreover, appellant presents no meaningful argument in support of her positions.

For example, with respect to her first claim regarding the competency of David Healand, appellant only indicates that she objected to his testimony on competency grounds and notes that Maryland Rule 5-601 governs competency determinations. She does not, however, provide any argument as to why the court’s decision to overrule her objection constituted error. Similarly, appellant does not cite any controlling case law in support of her claim that the court abused its discretion in denying her request for alimony. Nor does she discuss any of the specific findings made by the trial court on that issue, challenge any of those findings as unsupported by the evidence, or assert that the court failed to consider any of the relevant factors.³ Finally, appellant makes no argument whatsoever with respect to her final claim regarding *Crawford* credits.

³ In fact, appellant’s sole contention with respect to alimony is that “Mr. Healand has and will continue to receive over \$7,000 in tax free monthly benefits . . . [while] she has an INCOME OF SIGNIFICANTLY LESS and she REMAINS EMPLOYED.” But

The Supreme Court of Maryland has indicated that it is not an appellate court’s task to “rummage in a dark cellar for coal that isn’t there” nor is it an appellate court’s task to “fashion coherent legal theories to support appellant’s sweeping claims.” *HNS Dev., LLC v. People’s Counsel for Balt. Cnty.*, 425 Md. 436, 459 (2012) (quotation marks and citation omitted). Because appellant has failed to argue any of her claims with particularity, as required by Rule 8-504(a), we will not consider them on appeal. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (quotation marks and citation omitted)).

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

this general statement, unsupported by any citation to the record, falls well short of what is required to adequately brief a claim of error.