

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 432

September Term, 2023

MICHAEL SHEPHARD

v.

LEONORA GREENE-SHEPHARD

Ripken,
Tang,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 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.

Michael Shephard, appellant, appeals from an order issued by the Circuit Court for Baltimore County granting a petition for a final protective order filed by Leonora Green-Shephard, appellee. Appellant raises two issues on appeal: (1) whether the court erred in granting the protective order based, in part, on evidence that he had contacted appellee in violation of a temporary protective order with which he had not been served, and (2) whether the court erred in crediting appellee’s testimony at the hearing on the protective order because she did not “produce any objective evidence to corroborate” that testimony.

Our ability to review appellant’s claims is constrained, however, because he did not supply this Court with a full transcript of the hearing on appellee’s petition for a protective order. Rather, he has only provided a transcript of the court’s oral ruling at the end of that hearing. And that transcript contains none of the testimony or evidence that he now challenges on appeal. Appellants are required to ensure that the record on appeal contains the transcripts necessary for this Court to issue a decision. *See* Md. Rule 8-413(a) (listing the required contents of the record on appeal); Md. Rule 8-602(c)(4) (granting this Court the discretion to dismiss an appeal when the record does not comply with Rule 8-413). And it was appellant’s burden “to put before this Court every part of the proceedings below which were material to a decision in his favor.” *Lynch v. R. E. Tull & Sons, Inc.*, 251 Md. 260, 262 (1968). Appellant, however, has not done that.

In *Kovacs v. Kovacs*, 98 Md. App. 289 (1993), this Court held that the party asserting error has the burden to show “by the record” that an error occurred. *Id.* at 303. “Mere allegations and arguments . . . , unsubstantiated by the record, are insufficient to meet that burden.” *Id.* Moreover, “[t]he failure to provide the court with a transcript

warrants summary rejection of the claim of error.” *Id.* Because a transcript of the hearing on appellee’s petition is necessary to resolve appellant’s contentions on appeal, and appellant has not provided a full copy of that transcript, we must his reject his claim that the court erred in granting the final protective order.¹

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

¹ Even if appellant had provided the necessary transcripts, it does not appear that any of the issues raised by appellant would require reversal. First, the fact that appellee did not offer additional evidence to corroborate her testimony would not provide a basis to overturn the court’s credibility findings. *See Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) (“In its assessment of the credibility of witnesses, the Circuit Court was entitled to accept . . . the testimony of any witness, whether that testimony was or was not contradicted or corroborated by any other evidence.”). Second, even assuming the court erroneously found that appellant had contacted appellee in violation of the temporary protective order, such an error would not require necessarily reversal as the court also found by a preponderance of the evidence that appellant had threatened to break into appellee’s home and had sexually assaulted appellee. And both of these findings, if supported by the evidence, would have provided the court with a separate and independent basis for issuing the final protective order. *See* Family Law Art. § 4-501(b)(1).