

Circuit Court for Prince George's County
Case No. CAS19-34345

UNREPORTED

IN THE APPELLATE COURT
OF MARYLAND

No. 472

September Term, 2025

TERRELL DONTAE MARTIN

v.

SHAMAIN THAHESHA HORTON, *et al.*

Graeff,
Berger,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 26, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Terrell Dontae Martin, appellant, appeals from an order issued by the Circuit Court for Prince George’s County finding him in constructive civil contempt for failure to pay child support to Shamaine Thahesha Horton, appellee; ordering him to be immediately incarcerated; and setting a purge of \$1,000. Mr. Martin does not challenge the court’s contempt finding on appeal. Instead, he raises four issues with respect to the sanction imposed by the court: (1) whether the court erred in not determining whether he had the present ability to pay the purge amount; (2) whether the court erred in not providing him with an opportunity to pay the purge amount before incarcerating him; (3) whether the court erred in basing its decision to incarcerate him on its desire to make sure he was “held accountable,” rather than trying to ensure future compliance; and (4) whether the court erred in not allowing his defense counsel to fully present her case with the appropriate contempt sanction. For the reasons that follow, we shall dismiss the appeal as moot.

Mr. Martin and Ms. Horton are the parents of a minor child. On December 8, 2022, the court ordered Mr. Martin to pay child support to Ms. Horton in the amount of \$656 per month for the period between December 1, 2019 through June 2021, and then \$476 per month thereafter. In addition to the ongoing support, the order further required Mr. Martin to continue paying an additional \$121 per month toward an arrearage of \$20,556 through the Prince George’s County Office of Child Support, appellee (the Office). In August 2024, the Office filed a petition seeking to hold Mr. Martin in contempt for failing to comply with the child support order, noting that as of June 2024, he still owned \$29,600.

On April 2, 2025, the court held a hearing on the petition, at which point the Office indicated that Mr. Martin’s arrearage was \$34,260. Mr. Martin’s counsel proffered that he had earned \$25,000 as a home health aide in 2024, but that his employment had terminated at the end of 2024 following his client’s death. Mr. Martin then testified that he had a job offer and was scheduled to start full-time work approximately 12 days later, with a starting pay of \$17.50 per hour. The Office indicated that it wanted to place a wage lien on Mr. Martin’s new employer, and both parties requested the contempt hearing be continued to make sure that the lien was effectuated. The court declined to continue the hearing, and instead found Mr. Martin in contempt on the grounds that he had earned “something in the neighborhood of \$25,000 [the previous year], and he didn’t pay a single dime.” The court then ordered that Mr. Martin be immediately incarcerated at the conclusion of the hearing and set a purge amount of \$1,000. At a follow-up hearing the next week, the court found that Mr. Martin had satisfied the purge provision by paying \$1,000 and dismissed the contempt finding. The court further assessed Mr. Martin’s arrears at \$33,160 and ordered him to continue making regular child support payments. This appeal followed.

“A case is moot when there is no longer an existing controversy when the case comes before the Court or when there is no longer an effective remedy the Court could grant.” *Bradford v. State*, 199 Md. App. 175, 190 (2011) (internal quotation marks and citation omitted). Further, this Court “[does] not entertain moot controversies.” *Id.* Because Mr. Martin has satisfied the court’s contempt order by paying the \$1,000 purge, and the court dismissed the contempt finding there is no effective remedy that this Court could grant Mr. Martin to satisfy his claims of error. *See Arrington v. Dep’t of Hum. Res.*,

402 Md. 79, 91 (2007) (contemnor’s complaint regarding the validity of a purge provision on appeal was “technically moot” in light of “the court’s finding that the contempt [had] been purged” and where there was no indication of “any indirect or collateral consequences of the [contempt order] . . . that might preclude a finding of mootness”). We, therefore, dismiss Mr. Martin’s appeal as moot.

Although the Office has requested that we exercise our discretion and not dismiss the appeal as moot, we decline to do so. We do note, however, that we would have likely found error had the issues raised by Mr. Martin had not been moot on appeal. Upon finding Mr. Martin in contempt, sentencing him to incarceration, and endeavoring to set a purge provision, the court was required to determine “the present ability of [Mr. Martin] to perform [the purge] at the time of sentencing.” *Bradford*, 199 Md. App. at 196. Here, the court made no such finding. And in fact, there was no basis for the court to conclude that Mr. Martin had the immediate ability to pay the purge as the evidence indicated he had been unemployed for several months and was not scheduled to start a new job for approximately two weeks. In short, the court, should have considered Mr. Martin’s present ability to pay the \$1,000 before setting a purge provision in that amount. And it must do in the event it again finds him in contempt of the child support order in the future. Nonetheless, as we have stated, the issue is moot on appeal.

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.