

Circuit Court for Prince George's County
Case No. CAL22-16922

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 613

September Term, 2024

SHARON D. BATES

v.

TIMOTHY P. LEAHY

Arthur,
Tang,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Harrell, J.

Filed: June 13, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Sharon D. Bates (“Bates”) appeals from judgments, after a trial, that the Circuit Court for Prince George’s County entered in favor of the appellee, Timothy P. Leahy (“Leahy”). Leahy is the court-appointed guardian of Thelma Floyd, Bates’ sister. The circuit court entered the following judgments against Bates: (1) \$50,000 for conversion; (2) \$331,000 for conversion, jointly and severally liable with Bates’ co-defendant, Rose Harper (“Harper”);¹ (3) \$50,000 for unjust enrichment; (4) \$444,870 for constructive fraud and breach of fiduciary duty; (5) \$85,613 for civil conspiracy, jointly and severally liable with Harper; and (6) \$70,206.20 in damages, \$8,860.73 in pre-judgment interest, and \$103,658.30 in attorney’s fees under the Maryland Statute Against Financial Exploitation (known as the SAFE Act, Md. Code, EST. & TRUSTS §§ 13-601 to -609), all related to financial exploitation of Ms. Floyd.

Bates, who represents herself in this appeal, failed to comply with Md. Rule 8-411(a)(2), which requires an appellant to secure relevant transcripts for appellate review. Bates claims this failure was due to financial hardship. We decide this appeal, however, without the transcripts, addressing as best we can the merits of some of Bates’ claims.

Bates presents the following questions for our review, which we have rephrased as follows²:

¹ Harper is Ms. Floyd’s former neighbor and caregiver.

² Bates phrased the questions presented as follows:

1. Did the Court err by assigning Judge White to this case? Did the Court violate the Judge’s Code of Conduct?

1. Did the circuit court err in assigning the trial judge to preside over this case?
2. Did the circuit court violate Bates’ right to a fair trial by preventing her from presenting key evidence?
3. Was the evidence sufficient to find Bates liable?
4. Did the circuit court apply the incorrect law when deciding the case?
5. Did the circuit court err by accepting alleged hearsay and unfounded evidence from Leahy?
6. Did the circuit court err in denying Bates’ motion to reopen the case to admit additional evidence?

For the reason to be explained, we shall affirm the judgments of the circuit court.

BACKGROUND

The Previous Appeal

This appeal is related to an earlier case, *In the Matter of Thelma Floyd*, No. 1960, September Term, 2022, 2024 WL 412257 (filed unreported 5 Feb. 2024) (“*Matter of Floyd*”). In *Matter of Floyd*, we affirmed the circuit court’s appointment of Leahy as

-
2. Did the Court violate Sharon D. Bates’ right to a fair trial? Did the Judge’s reasoning and Order show bias and unfair treatment toward Ms. Bates?
 3. Did the Court err when it determined Ms. Bates was guilty when the evidence did not support the Judge’s decision/Order?
 4. Did the Court apply the incorrect Law when deciding this case?
 5. Did the Court err by accepting the hearsay and unfounded evidence from a Court appointed guardian when deciding this case?

guardian of Ms. Floyd’s property and Karen Sylvester (of the Prince George’s County Department of Family Services) as guardian of Ms. Floyd’s person. *Matter of Floyd*, at *1.

Ms. Floyd, who was seventy years old when the guardianship petition was filed in August 2021, suffered from frontotemporal dementia, rendering her unable to make decisions about her health and property. *Id.* at *1. In *Matter of Floyd*, we upheld the circuit court’s decision that Ms. Floyd was a disabled person in need of guardianship services and that Bates, who had Ms. Floyd’s power of attorney, was derelict in her care of Ms. Floyd.³ *Id.* at *2.

The Fraud Trial

Following his appointment as guardian of Ms. Floyd’s property, Leahy sued Bates, alleging that she committed fraudulent financial transactions involving Ms. Floyd’s assets. The court ruled in favor of Leahy, finding that Bates had misappropriated Ms. Floyd’s funds.

Post-judgment, Bates, through counsel, filed a “Motion to Open Judgment to Admit Evidence and to Reconsider Court Decision.” In that motion, she sought to introduce additional evidence, including documentation showing allegedly that her Bank of America Home Equity Line of Credit (“HELOC”) balance had been transferred to Select Portfolio

³ For context, in *Matter of Floyd*, the circuit court ruled that Bates was “derelict in her responsibilities with power of attorney.” 2024 WL 412257, at *2. In that case, the circuit court determined also that, if it disbelieved Bates’ “testimony as to her lack of knowledge about Ms. Floyd’s financial transactions, then Ms. Bates was [complicit] in how the funds were used.” *Id.*

Servicing (“SPS”) rather than paid off with Ms. Floyd’s funds, as Leahy claimed. The court denied Bates’ post-judgment motion.

Proceedings on Appeal

After Bates appealed timely, this Court directed her to order the transcripts of the relevant proceedings in the circuit court. Bates did not comply with that directive. We issued then an order to show cause regarding her failure to provide the transcripts. In response, Bates stated that, as “a senior citizen who cannot afford the estimated \$1,000 transcript cost[,]” she could not comply with our order to provide transcripts.

Our Chief Judge ruled that the show cause order was “satisfied,” but ordered Bates to “take all necessary steps, including submitting payment, to cause the relevant transcript(s) to be filed in the Circuit Court for Prince George’s County on or before November 8, 2024.” Bates did not cause the relevant transcripts to be filed in the circuit court; nor did she provide the transcripts to this Court.

ANALYSIS

Bates’ failure to provide transcripts of relevant proceedings constrains our ability to consider most of her claims of error. *See* Md. Rule 8-411(a)(2) (requiring appellants to provide this Court with “a transcription of any portion of any proceeding relevant to the appeal”). Appellants must ensure that the record on appeal contains the transcripts necessary for this Court to issue a decision. 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). It is Bates’ burden “to put before this Court every part of the proceedings below which [are] material to a decision in

[her] favor.” *Lynch v. R. E. Tull & Sons, Inc.*, 251 Md. 260, 262 (1968). She has not satisfied that burden.

In *Kovacs v. Kovacs*, 98 Md. App. 289 (1993), the 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.* Indeed, “[t]he failure to provide the court with a transcript warrants summary rejection of the claim of error.” *Id.*

Being mindful, however, of our Chief Judge’s order, which required Bates to provide the transcripts, but determined also that she had “satisfied” the show cause order, we shall address the merits of Bates’ claims, to the extent possible, without the benefit of the transcripts.

We cannot evaluate properly Bates’ allegations regarding evidentiary rulings, witness testimony, or judicial conduct during the trial. Nonetheless, the incomplete record allows us to address certain aspects of Bates’ appeal.

Bates’ central claim is that Leahy “intentionally misled the [circuit court] by submitting . . . inaccurate information and documentation.” More to the point, she alleges that Leahy accused falsely her of using approximately \$50,000 of Ms. Floyd’s money to pay-off Bates’ Bank of America HELOC. Bates contends that the HELOC balance was transferred to SPS and later paid-off when she sold her house in December 2023. She posed this contention for the first time in an untimely post-trial motion under Md. Rule 2-534, which requires such motions to be filed within ten days. *See also* Md. Rule 1-203 (governing time computation).

In any event, the limited record available, including the post-trial motions, clarifies this dispute. Bates’ post-trial motion sought to introduce a 6 February 2019 letter from SPS confirming allegedly the transfer of her HELOC balance to SPS. During discovery, Bates declined to produce information about that alleged SPS transfer, despite Leahy’s interrogatories and document requests related to the \$50,000 transaction. Thus, Bates, declining to produce this evidence in discovery, claimed later that the same “evidence” exonerates her.⁴

Even without the transcripts, we deduce that Bates had ample opportunity during discovery and at trial to present evidence regarding the disposition of her Bank of America loan. Her decision not to provide financial documentation, followed by her belated attempt to introduce additional evidence post-trial, does not bolster her claim of fraud or misrepresentation by Leahy.

Bates alleges also that the circuit court erred by: (1) its assignment of the trial judge to the case; (2) violating her right to a fair trial; (3) determining she was liable based on insufficient evidence; and (4) applying the incorrect law. These claims challenge primarily

⁴ To be sure, the SPS account opening letter refers to Bates’ Bank of America HELOC account number. Leahy alleged, however, that the interest accrued on the SPS account in the pay-off statement shows that the SPS loan originated in July 2020, eighteen months after the pay-off of the Bank of America HELOC. In trying to reconcile these assertions, one might imagine Bates used Ms. Floyd’s money (withdrawn in December 2018) to pay down Bates’ HELOC in January 2019. Realizing later perhaps that she needed to “cover her tracks,” Bates might have opened the SPS account in February 2019. She re-borrowed then against the HELOC when the investigation loomed, and transferred the new HELOC debt to SPS to masquerade as the old debt that was paid off in January 2019. This is not necessarily a view we could adopt on the record before us. Our mention of such possible scenarios is illustrative only of Leahy’s contentions.

the conduct of the trial and the sufficiency of the evidence, which are matters that we cannot review meaningfully without the relevant transcripts. Indeed, without these transcripts, we must presume that the trial court acted properly. *See, e.g., Medley v. State*, 386 Md. 3, 7-8 (2005) (recognizing the presumptions that trial judges know the law, apply it correctly, and perform their legal duties properly).

CONCLUSION

Although we are not unmindful of Bates’ claims about her financial circumstances, the responsibility for providing transcripts necessary for meaningful appellate review remains with her as the appellant. Based on the limited record before us, we are unable to find any basis to disturb the judgments of the circuit court. The record available indicates that Bates had a full and fair opportunity to present her case at trial. Her allegations of misrepresentation by Leahy appear to lack merit.

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