

Circuit Court for Carroll County
Case No. 06-C-02-035935

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 692

September Term, 2018

NATHANIEL M. COSTLEY

v.

CHRISTINA M. STEINER, *et al.*

Berger,
Friedman,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 26, 2020

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Nathaniel M. Costley, Sr., appellant, and Christina M. Steiner, appellee, are the parents of N.C., a minor child.¹ Mr. Costley appeals from two orders issued by the Circuit Court for Carroll County: (1) a December 4, 2018, order denying his request to modify custody, visitation, and child support; granting Ms. Steiner’s motion to modify visitation; and ordering him to pay a portion of Ms. Steiner’s attorney’s fees (December 4 order), and (2) a May 7, 2018, order finding him to be in constructive civil contempt of court for failing to pay child support (May 7 order). Mr. Costley raises four issues on appeal, which we have rephrased: (1) whether the court erred in denying his motion to modify custody, visitation, and child support; (2) whether the court erred in ordering him to pay Ms. Steiner’s attorney’s fees; (3) whether the court erred in admitting evidence that was not provided to him during discovery; and (4) whether the court erred in ordering that he could purge himself of contempt by attending a job readiness class and seeking employment. For the reasons that follow, we shall affirm the judgments of the circuit court.

Mr. Costley’s first two claims are related to the December 4 order. That order was issued following evidentiary hearings that were held on July 19 and August 24, 2018. On November 13, 2019, we issued an order, noting that the transcripts for those hearings had not been made a part of the record, requiring Mr. Costley to file these transcripts with the clerk of the circuit court on or before December 31, 2019, and noting that his failure to do so could result in this Court limiting his appeal to the issues relating to the finding of constructive civil contempt. Mr. Costley did not comply with that order and has not filed

¹ N.C. will turn 18 on March 16, 2020.

a copy of the transcripts either with this Court or with the clerk of the circuit court. Our ability to review any claims arising from the December 4 order is constrained without those transcripts. And Mr. Costley has not directed us to any portion of the record from which we could otherwise determine that the court committed error in either denying his motion to modify custody, visitation, and child support or in awarding Ms. Steiner attorney’s fees. As the party claiming error, Mr. Costley has the burden to show “by the record, that error occurred.” *Kovacs v. Kovacs*, 98 Md. App. 289, 303 (1993). Consequently, we reject his first two contentions on appeal. *Id.* (“The failure to provide the court with a transcript warrants summary rejection of the claim of error.”).

Mr. Costley next contends that the court erred by allowing Ms. Steiner to enter evidence that was not provided in discovery. However, it is not clear whether this claim relates to the May 7 order or the December 4 order because Mr. Costley does not identify when the alleged error occurred or what evidence he believes was improperly admitted. In fact, he only mentions this issue twice in the argument section of his brief, stating, without explanation, that: “The Court violated discovery and federal laws against appellant and did not act fairly during his rulings concerning discovery” and that “[t]he Court [erred] in allowing Appellee’s Surprise Discovery once he had Closed Discovery.” Therefore, this claim is not presented with sufficient particularity to facilitate appellate review and we will not consider it 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” (citation omitted)).

Finally, Mr. Costley asserts that the purge provisions in the May 7 order were unlawful. In that order, the circuit court found that Mr. Costley was in constructive civil contempt of court for failing to pay child support. The court further ordered that Mr. Costley could purge himself of the contempt by either: (1) “paying as directed by the Court’s prior orders, \$257.00 per month in current support and \$11.00 per month towards any arrearage,” or (2) “attending Opportunity WORKS, Human Services Program of Carroll County Inc., . . . applying for jobs and following all other recommendations of Opportunity WORKS.” Mr. Costley challenges these purge provisions, claiming that he “is unable to work due to his disability” and that “the Court violated his [HIPAA] Right’s by . . . ordering that [he] attend a job readiness class.”² However, Mr. Costley does not cite to any relevant facts in the record or provide any legal support for these conclusory statements. And, although we are mindful that Mr. Costley is proceeding *pro se*, it is not this Court’s responsibility to “attempt to fashion coherent legal theories to support [his] sweeping claims” of error. *See Konover Property Trust, Inc. v. WHE Assocs., Inc.*, 142 Md. App. 476, 494 (2002). Therefore, this claim is also not properly before us. *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” (citation omitted)).

Moreover, we note that even if this issue had been properly briefed, we would not reverse. At the hearing before the magistrate, Mr. Costley testified that he could not work

² HIPAA is short for the Health Insurance Portability and Accountability Act of 1996 by which we understand Mr. Costley to be protesting that his private health information was made public.

because he was disabled; however, he refused to identify his disability and did not produce any evidence to support that testimony. The magistrate ultimately found that Mr. Costley was not disabled or unable to work. Mr. Costley did not file timely exceptions to the magistrate’s findings of fact on this issue.³ Thus, any claim that this finding was clearly erroneous is not preserved for appellate review. *See Miller v. Bosley*, 113 Md. App. 381, 393 (1997) (“[I]n all cases lacking timely exceptions, any claim that the master’s findings of fact were clearly erroneous is waived.”). And, even if preserved, such a claim would lack merit. Moreover, there is nothing in the record to support Mr. Costley’s contention that requiring him to participate in a job training program and to seek employment as a condition of purging his contempt violated his HIPAA rights.

**JUDGMENTS OF THE CIRCUIT
COURT FOR CARROLL COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

³ Mr. Costley did file exceptions; however, the circuit court struck them as untimely. Mr. Costley does not challenge that ruling on appeal.