

Circuit Court for Anne Arundel County
Case No.: C-02-FM-21-001355

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1051

September Term, 2023

EVANS IHENACHOR

v.

PAIGE MARTIN

Shaw,
Tang,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: January 29, 2024

*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).

Once again, Appellant, Evans Ihenachor, seeks relief in this Court from child custody and child support orders entered in the Circuit Court for Queen Anne’s County, in 2015 and 2016, in the guise of an appeal from a finding of contempt entered in the Circuit Court for Anne Arundel County **on June 23, 2023**.

Because we shall not reach the asserted merits of Appellant’s claims, we need not provide a detailed recitation of the background of the litigation between the parties – Appellant and Paige Martin, Appellee. The parties, although never married, are the parents of a child, (O.I.), now nine years old.

The Litigation

In 2015, Appellant filed, in the Circuit Court for Queen Anne’s County, a complaint for “sole custody” of O.I., to which Appellee responded with a counter-complaint seeking custody as well. Following a merits trial, the circuit court ordered joint legal custody, but granted physical custody to Appellee and established other relevant custodial matters. This Court affirmed the trial court in all respects. *Ihenachor v. Martin*, No. 2673, September Term, 2015 (filed December 9, 2016).

More than two years later, Appellant moved, again in the Circuit Court for Queen Anne’s County, to vacate the circuit court’s 2015 Order, asserting that that court lacked subject matter jurisdiction, personal jurisdiction as to himself, and that a trial judge who entered ancillary orders ought to have recused himself. Following a hearing, the circuit court denied the motion to dismiss and/or vacate. After considering Appellant’s asserted jurisdictional and recusal issues, this Court affirmed the trial court’s denial of his motions. *Ihenachor v. Martin*, No. 2345, September Term, 2018 (filed July 8, 2019).

The parties were next before a court, now in the Circuit Court for Anne Arundel County, on Appellee’s Petition for Contempt, asserting Appellant’s failure to pay child support. Following an evidentiary hearing, the court entered an order, on June 23, 2023, holding Appellant in contempt based on findings that he was in arrears in the amount of \$47,618. The court ordered, as a sanction, that Appellant serve sixty days in the county detention center, subject to a purge provision requiring payment of \$25,000 within thirty days; that Appellant pay \$500 per month toward arrearages in addition to the ordered monthly support amount; and that Appellant pay Appellee’s attorney’s fees.

Appellant’s notice of appeal stated:¹

Plaintiff, Evans Ihenachor by and through pro se, notes an Appeal to the order entered by the Court on 06/23/2013 finding Plaintiff in Contempt.

In his opening brief, Appellant raises seven questions:

1. Do the findings of the trial Court that Appellee’s conduct of withholding the minor child’s contact with Appellant from the period of January 20th 2015 through June 25th 2015 was “not unreasonable” encourage child abduction which violate [sic] the Maryland UCCJEA?
2. Did the Queen Anne’s County Circuit Court violate Appellant’s due process rights protected by the 14th Amendment of the United States Constitution when it determined Appellee’s conduct of depriving Appellant of access to the minor child from January 2015 to June 2015 was not unreasonable?
3. Did the Queen Anne’s County Circuit Court violate the minor child’s due process rights protected by the 14th Amendment of the United States Constitution when it determined Appellee’s conduct of depriving her of access to her father from the period January 2015 to June 2015 was not unreasonable?
4. Did the Queen Anne’s County Circuit Court violate Appellant’s equal protection rights protected by the 14th Amendment of the United States Constitution and Article 46 of the Maryland Declaration of Rights when it found Appellee’s

¹ Appellant appears before this Court *pro se*, as he did in the Circuit Court.

conduct of depriving Appellant of the care, custody and control of the minor child without cause was “not unreasonable” because she is a mother?

5. Did the trial Court abuse its discretion when it found that Appellee’s conduct of depriving Appellant [of] all access to the minor child from January 2015 through June 2015 was reasonable?
6. Do the findings of the trial Court constitute structural error which affected the Appellant’s substantial rights?
7. Did the Anne Arundel County Circuit Court violate Appellant’s due process right to property protected by the 14th Amendment of the United States Constitution in ordering him to pay Appellee \$1627.00 per month in child support?^[2]

In response, Appellee has moved to dismiss this appeal, on several grounds, which we have summarized:

1. The appeal is untimely;
2. Appellant has failed to comply with Md. Rule 8-504 by not including in his brief any reference to the proceedings from which this appeal was taken;
3. Appellant has not included a copy of the decision from which he is appealing and has failed to advise Appellee with reference to those parts of the record to be included in the record extract.

² It was the Circuit Court for Queen Anne’s County, in a December 28, 2015 order, that directed Appellant to pay child support in the amount of \$1,627 each month. Appellant challenged the child support award on appeal, and this Court affirmed the judgment. *See Ihenachor v. Martin*, No. 2673, Sept. Term, 2015, slip op. at 11-16. After Appellant filed his notice of appeal in this case, the parties reached an agreement on child support, and other issues, and pursuant to an order entered on August 24, 2023 in the Circuit Court for Anne Arundel County, Appellant is obligated to pay \$1,900 per month in child support, plus \$500 per month toward an arrearage of \$25,872.12 (through August 2023) for a total monthly payment of \$2,400.00.

Because we agree with Appellee that the deficiencies and noncompliance with the Maryland Rules cited are sufficiently egregious, we shall grant Appellee’s Motion to Dismiss.

Discussion

Appellant’s Notice of Appeal refers specifically to the Order of the Circuit Court for Anne Arundel County finding him in contempt, **that is, the order docketed on June 23, 2023**. Yet, a careful reading of his opening brief yields the inescapable conclusion that he has failed to include any supporting information or record references from that proceeding. Moreover, he has not argued in his brief how or why the trial court committed either legal error or abuse of discretion in its findings and orders.

It is equally clear, as we shall note, that this appeal is not about the findings of the Circuit Court for Anne Arundel County; rather, it is yet another attempt by Appellant to challenge the child custody and child support orders of the Circuit Court for Queen Anne’s County entered in 2015 and 2016 and affirmed by this Court, as we have noted, *supra*.

Maryland Rule 8-504(a)(4), in relevant part, requires that a brief shall include “[a] clear concise statement of the facts material to a determination of the questions presented,” and that “[r]eference shall be made to the pages of the record extract or appendix supporting the assertions.” The Rule further provides, in section (a)(6), that a brief shall contain “[a]rgument in support of the party’s position on each issue.” Appellant likewise failed to comply with Rule 8-501(c) which requires a record extract to contain a copy of the decision from which the appeal is taken.

We find Appellant’s filings in this Court to be in abject noncompliance with the requirements of Rule 8-504, and shall grant Appellee’s Motion to Dismiss.³

Even were we to find a hint of reviewable merit to Appellant’s brief, he would fare no better, for it is again abundantly clear that his effort in this appeal is to seek further review of the rulings and orders of the Circuit Court for Queen Anne’s County that were entered in 2015 and 2016. As to those issues, this appeal is clearly untimely. Rule 8-202(a). Moreover, those judgments were reviewed by this Court, as we have noted, *supra*, and affirmed. We find nothing in the record before us that would justify our further review of those issues that have been litigated and finally decided.⁴

**APPEAL DISMISSED.
MOTION TO STAY APPEAL DENIED.
COSTS ASSESSED TO APPELLANT.**

³ In his Reply Brief, Appellant posits that “a *pro se* litigant’s complaint[s] are to be held ‘to less stringent standards than formal pleadings drafted by lawyers.’” (Quoting *Haines v. Kerner*, 404 U.S. 519, 520 (1972), further quotation marks and citation omitted.) We have often noted that *pro se* litigants, in the Court’s discretion, may be excused from absolute compliance with practice and pleading requirement. *See, e.g., In re Joshua W.*, 94 Md. App. 486, 491 (1993). However, virtual total noncompliance with applicable rules exceeds any grace that may be applied.

⁴ In his Reply Brief, Appellant includes a Motion to Stay this appeal, but provides neither the authority that would permit the granting of a stay, nor the result to be achieved in the event of a stay. Appellant, of course, maintains his right to seek modification of existing orders at any time during his child’s minority.