

Circuit Court for Prince George's County
Case No. CAL20-18428

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1231

September Term, 2020

SHANE SEAY

v.

MARY C. MINPLEY

Kehoe,
Arthur,
Moylan, Charles E, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 6, 2021

*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.

In 2012, the Circuit Court for Prince George’s County entered an order requiring Shane Seay, appellant, to make monthly child support payments. In 2020, Mr. Seay filed a petition for writ of habeas corpus, claiming that the child support order violated his rights under the Due Process Clause of the Fourteenth Amendment. Relying on the Court of Appeals’ decision in *Sabisch v. Moyer*, 466 Md. 327 (2019), Mr. Seay argued that a habeas petition was an appropriate avenue to seek relief because the child support order restrained his personal liberty in a manner that was not shared by the general public. *Id.* at 378 (holding that a petition for writ of habeas corpus was not foreclosed when a person was placed on probation “with conditions that significantly restrict or restrain the person’s lawful liberty within the State”). The court denied the petition without a hearing, finding that: (1) it did not “meet the procedural requirements outlined by Md. Rule 15-302,” and (2) Mr. Seay was not “confined and does not meet the definition of ‘restrained’ as required to be entitled to habeas relief.” This appeal followed.¹

On appeal, Mr. Seay contends that the court erred in “finding that the restraints imposed on [his] fundamental right to parent, right to movement, right to reputation, and right to property did not qualify him to seek relief through a habeas corpus petition[.]” However, Mr. Seay’s brief does not address the first ground upon which the court denied his habeas petition, specifically that he failed to comply with the procedural requirements

¹ The State has filed a motion to dismiss the appeal on the grounds that Mr. Seay’s brief contains 28,758 words, whereas Md. Rule 8-503(d)(1) provides that a “brief shall not exceed 9,100 words[.]” Although we do not condone Mr. Seay’s violation of Rule 8-503(d)(1), under the circumstances we shall deny the motion to dismiss.

of Maryland Rule 15-302. Nor did Mr. Seay address this issue in his reply brief, despite the fact that appellee raises it as a basis to affirm the circuit court’s decision.

In *Baliff v. Woolman*, 169 Md. App. 646 (2006), this Court held that when the appellant failed to challenge one of the two grounds for the circuit court’s decision in his brief, he waived any claim of error with respect to that issue. *Id.* at 653. We further held that, having waived the issue, affirmance was required if the unraised ground “provided an adequate and independent basis for the circuit court’s decision.” *Id.* at 654. Here, Mr. Seay’s brief does not challenge the trial court’s finding that he failed to comply with Rule 15-302. Therefore, he has waived that issue on appeal. And because Maryland Rule 15-303(e)(2) provides that a judge may deny a petition for writ of habeas corpus if it does not comply with the provisions of Rule 15-302, the court’s reliance on that Rule to deny Mr. Seay’s habeas petition served as an adequate and independent basis for its ruling.

Having concluded that there was an adequate basis to support the court’s ruling, “we do not reach the question of whether [Rule 15-302] was properly applied in this case because, appellant, by failing to raise the issue, has waived it.” *Id.* at 654.² Moreover, under the circumstances, we decline to reach the merits of the court’s alternative finding

² In any event, we note that dismissal under the facts of this case was also appropriate as Mr. Seay’s petition for writ of habeas corpus was not “supported by affidavit,” as required by Rule 15-302(a).

that the child support order did not restrain Mr. Seay's liberty as such an analysis would constitute an advisory opinion.

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