

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1296

September Term, 2023

TIFFANY BYNUM

v.

KIMOTHY BYNUM

Graeff,
Arthur,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 13, 2024

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

On December 8, 2022, Kimothy Bynum, appellee, filed a complaint for absolute divorce against Tiffany Bynum, appellant, in the Circuit Court for Prince George’s County. Appellant, through counsel, filed an answer on March 3, 2023, but that answer was rejected because it did not address all the allegations in the complaint. On April 20, 2023, the court issued a notice and order of default. Appellant did not file a motion to vacate the order of default, and a hearing before a magistrate on the issue of divorce was set for June 14, 2023.

Although she was still apparently represented by counsel, appellant, acting *pro se*, filed an untimely counter-complaint on June 6, 2023. Following the June 14 hearing, which appellant, but not her attorney, attended, the magistrate issued a report recommending that the parties should be granted an absolute divorce. That report did not address any issues related to the division of marital property. Appellant’s counsel filed timely exceptions, asserting that the magistrate had failed to “address the equitable distribution of marital assets and property[.]” However, the court dismissed those exceptions because appellant failed to file a transcript of the June 14 hearing. The same day the court also entered a final judgment granting appellant’s complaint for absolute divorce. This appeal followed.

On appeal, appellant does not specifically contend that the court erred in any respect. Instead, she takes issue with her representation in the circuit court, claiming, among other things, that her attorney did not file her answer on time, failed to include all the required information in that answer, failed to attend the hearing on appellee’s motion for order of default, failed to file a motion to vacate the order of default, and generally failed to advise her on the progress of her case. She asserts that these actions ultimately resulted in the court not “resolv[ing] the financial details” of the divorce that she had requested.

To be sure, appellant’s claims are concerning. But even if we assume her contentions to be true, “one of the most fundamental tenets of appellate review” is that “[o]nly a judge can commit error. Lawyers do not commit error.” *DeLuca v. State*, 78 Md. App. 395, 397-98 (1989). In other words, “[a]ppellate courts look only to the rulings made by a trial judge, or to his [or her] failure to act when action was required, to find reversible error.” *Braun v. Ford Motor Co.*, 32 Md. App. 545, 548 (1976). Although appellant may have other remedies available to her, in the absence of any claim of error by the trial court, we must affirm the judgment.¹

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

¹ In any event, because appellant did not file a timely answer, did not move to vacate the order of default and did not provide a transcript with her exceptions to the magistrate’s recommendations, we discern no error in the court’s granting of the judgment of absolute divorce.