

Circuit Court for Frederick County
Case No. C-10-FM-24-810065

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1403

September Term, 2024

ERIC HILDENBRAND

v.

MEREDITH HILDENBRAND

Leahy,
Zic,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: April 23, 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 Maryland Rule 1-104(a)(2)(B).

This case arises from a petition for a protective order (“Petition”) filed by Meredith Hildenbrand, appellee, against her husband, Eric Hildenbrand, appellant. Following a hearing on August 16, 2024, the Circuit Court for Frederick County granted the Petition and entered a Final Protective Order (“Order”) against Mr. Hildenbrand. Mr. Hildenbrand now appeals the Order, presenting one question for our review, which we have slightly rephrased as follows:¹ Whether the circuit court erred in issuing the Order. For the following reasons, we answer this question in the negative and affirm.

BACKGROUND

Ms. Hildenbrand and Mr. Hildenbrand are the married parents of two minor children.² In October 2023, Ms. Hildenbrand filed a petition for a protective order, which was entered by consent without any finding of abuse. The court subsequently rescinded the protective order and in May 2024 the parties attempted to reconcile. Several months later, however, on August 9, 2024, Ms. Hildenbrand filed another petition for a protective order (previously, “Petition”).

¹ Mr. Hildenbrand phrases the question as follows:

1. Whether it was clearly erroneous for the trial court to issue a final protective order when there was no evidence to support a finding of abuse?

² While not directly at issue in the instant appeal, we note that as of the filing of this opinion, the parties’ divorce action is pending before the Circuit Court for Frederick County.

Incidents Prior To The October 2023 Petition

The circuit court scheduled a hearing on the Petition for August 16, 2024. At the hearing, the court heard testimony from Ms. Hildenbrand about events leading up to her October 2023 petition for a protective order and the instant Petition. Ms. Hildenbrand described how, in September 2023, Mr. Hildenbrand repeatedly called Ms. Hildenbrand while she was out shopping, and then confronted her in a mall parking lot:

[Mr. Hildenbrand] had driven to where I was and came marching across the parking [lot] to me. He was angry. He saw a stain on my shirt, and then he accused me of sleeping with someone. He grabbed my shirt, and I said, leave me alone, please. I went to my car. He was angry. He had been drinking. He took my sunglasses off my face, cracked my sunglasses in half. And I said, stop. Like, just stop it.

And I tried to get into my car, and he wouldn't let me into my car. I had to push past him to get into the car, and then he wouldn't let me close the door. Then I tried to close the door. I finally got it closed. I locked the door. And I went straight to the courthouse to talk to a lawyer because I was so scared, I didn't know what to do, that he would track me down and grab me, and it didn't make any sense.

On another evening in September 2023, Mr. Hildenbrand took Ms. Hildenbrand's car keys and pushed her out of the parties' home, locking her outside. Upon seeing Ms. Hildenbrand outside, the parties' then-four-year-old daughter, who was inside the home, began screaming, crying, and banging on the front door. Mr. Hildenbrand opened the door and let their daughter outside, but quickly closed and re-locked the door. Ms. Hildenbrand called the police. A few minutes later, the parties' then-two-year-old son began crying and screaming inside the home. Again, Mr. Hildenbrand opened the door, let their son outside, and closed and re-locked the door.

Two officers responded to the parties' home, and Mr. Hildenbrand agreed to open the door and leave the house for the night. Neither of the two officers nor Ms. Hildenbrand found the car keys taken by Mr. Hildenbrand.

In October 2023, Ms. Hildenbrand testified that Mr. Hildenbrand arrived at their daughter's gymnastics class "[s]luring his words[, being really loud]," and "crawling on the ground" with their son. Ms. Hildenbrand described this behavior as "out of place[.]" Ms. Hildenbrand also testified that, around the same time, Mr. Hildenbrand had locked her in the parties' basement:

It would have been October 13th or 14th. I had finished putting the kids to bed in the evening [Mr. Hildenbrand] was gone all day.

* * *

[He] came back at bedtime, while I was doing bedtime. And then he went into the kitchen. And he started crying, and he said, I f[*]cked up. I'm so sorry. And I just didn't want to hear it[. . .] I went down into the basement. He was mad that I didn't listen to him.

* * *

This would have been around 8:00 at night, and I go down [to the basement] and do the laundry. And then I hear the door from our kitchen down to our basement close and the lock click.

* * *

And so I just take my laundry basket. I go up. I try [the] doorknob. It's not opening. I even tried to, you know, shimmy something in there, and it was locked. And so I went back downstairs, and I called my sister. I was like, I'm locked in my basement right now. And this sister is the one who ultimately, that night, would be the one to call the police.

I had her on Face[T]ime. I was so scared. I was, I don't, like I need eyes on this. I need someone to see what is happening. So my sister was on Face[T]ime the whole rest of that night.

* * *

[COUNSEL FOR MS. HILDENBRAND]: How did you get out of the basement?

[MS. HILDENBRAND]: [Mr. Hildenbrand] opened it up, and he came downstairs. And he was mad that I --

[COUNSEL FOR MS. HILDENBRAND]: When did he open it up? How long were you in the basement?

[MS. HILDENBRAND]: It was, I don't know, 15 minutes.

[COUNSEL FOR MS. HILDENBRAND]: And were you trying to get out during that 15 minutes banging on the door?

[MS. HILDENBRAND]: I tried at first. And then I just went downstairs, and I sat and talked on the phone.

* * *

[COUNSEL FOR MS. HILDENBRAND]: What happened next?

[MS. HILDENBRAND]: Next, [Mr. Hildenbrand] opened the door. He came downstairs. And then he said, well, you should have knocked, I would have let you out. I didn't understand how that was relevant to locking me down there.

Ms. Hildenbrand additionally testified that Mr. Hildenbrand prevented her from leaving the home on multiple occasions within the previous year.

Incidents After Withdrawing The October 2023 Petition

Ms. Hildenbrand then testified about incidents leading up to filing the Petition in the summer of 2024:

Last week during the day -- would have been before August 3rd, so whatever the last week of July was. It was during the

day. The kids are playing outside, and we're kind of just -- we had come inside. The kids are in the living room, and I was in the living room with them. And [Mr. Hildenbrand] picked up a shoe by the front door and chucked it down the hallway into the kitchen.

And then he picked up a hard, like, you know, the bouncy ball thing that the kids -- and then he starts throwing it around the living room. And I said when the kids are watching this, I said, please stop throwing things. He said I'm not throwing things. And it wasn't at me or the kids[.]

* * *

[COUNSEL FOR MS. HILDENBRAND]: Directing your attention to August 3rd, 2024, did there come a time when the respondent threatened you?

* * *

[MS. HILDENBRAND]: It was Saturday night. I was in the guest -- I had moved myself into the guest room. Our daughter sometimes will seek me out and get in bed with me, and I was sleeping. It was like 1:30 or 2:00 a.m. I don't know.

I was woken up when [Mr. Hildenbrand] walked into the room. And he said he walked into the room three or four separate times that night. But the one that stood out to me was when he walked in and stood in the middle of the room, and he said to me, you want to make me a criminal, I'll give you a criminal. And then he turned around and walked out.

[COUNSEL FOR MS. HILDENBRAND]: How did that make you feel?

[MS. HILDENBRAND]: I was awake the whole rest of the night.

[COUNSEL FOR MS. HILDENBRAND]: Why were you awake the rest of the night?

[MS. HILDENBRAND]: Because he kept coming in and saying these things that I had no idea what he meant. I had no idea why he was angry. I didn't know where he had been or

what he had been doing. And to come -- he had been disrupting my sleep all week, and I specifically moved into the guest room so that I [could] get away from him. And he would come in every night, sometimes he'd turn the light on to wake me up and then walk out.

[COUNSEL FOR MS. HILDENBRAND]: Were you afraid that he would harm you physically?

* * *

[MS. HILDENBRAND]: The state of fear that I have been operating in is not normal. I feel my heart start to beat fast. It's hard for me to breathe. I start to think about where the kids are. I start to think about, I don't know what [Mr. Hildenbrand is] mad at. I don't know what he's going to do. I don't know. I have no idea, and that's what's so scary. It's terrifying.

[COUNSEL FOR MS. HILDENBRAND]: By you saying you don't know what he's going to do, what do you mean by that?

[MS. HILDENBRAND]: Because [Mr. Hildenbrand will] say these fake things like this, this anger, and I don't know what he's talking about. And I mean, I know we're not split, like, I can't talk about. Like this is new.

[COUNSEL FOR MS. HILDENBRAND]: Do you fear he may harm you?

[MS. HILDENBRAND]: Yes.

* * *

[MS. HILDENBRAND]: This is not new. I've waited too long to do any of this. I tried to stick in there and hope that he was --

* * *

[MS. HILDENBRAND]: I don't know how I am supposed to live in fear.

During cross-examination, Ms. Hildenbrand testified that she “stayed awake all night” on August 3, 2024, and did not call the police because she did not want to wake up the children “in the middle of the night[.]” Instead, she left the home with the children the following day while Mr. Hildenbrand was at work.

Mr. Hildenbrand also testified during the August 16, 2024 hearing. He denied waking Ms. Hildenbrand up on the night of August 3, 2024, and making the statement, “you want to make me a criminal, I will give you a criminal.” Mr. Hildenbrand also explained that he recorded video of Ms. Hildenbrand on several occasions in July and August of 2024 to “help [him] remember as well as review exactly what happened and not be manipulated into[. . .] things that didn’t happen[,]” and presented them as evidence to support that Ms. Hildenbrand was not afraid of Mr. Hildenbrand.

The Circuit Court’s Ruling And Written Order

Following closing arguments, the court issued a verbal ruling finding by a preponderance of the evidence that Ms. Hildenbrand credibly testified she was placed in fear of imminent bodily harm, when Mr. Hildebrand threw items in the parties’ home, and when Mr. Hildenbrand appeared in her bedroom late at night and said, “you want to make me a criminal, I will give you a criminal.” The court noted Ms. Hildebrand’s “demeanor” while testifying, as well as the specificity in “actions and statements” she described, as support for finding Ms. Hildenbrand to be credible. In making these findings, the court explained:

I’ve learned in the great amount of domestic violence training that I’ve had, [] that the victims of domestic violence don’t always act in the way you think they might, which is that they

appear fearful and afraid and timid. Sometimes they appear differently.

So I think it's too simplistic to just say that [Ms. Hildenbrand] didn't appear fearful on some of these occasions.

On the same day, the court issued a corresponding written order (previously, “Order”) granting the Petition. Mr. Hildenbrand timely appealed. We supplement with additional facts below as necessary.

STANDARD OF REVIEW

This Court accepts a trial court's factual findings unless clearly erroneous. *C.M. v. J.M.*, 258 Md. App. 40, 58 (2023). “A factual finding is clearly erroneous if there is no competent and material evidence in the record to support it.” *Hillsmere Shores Improvement Ass’n, Inc. v. Singleton*, 182 Md. App. 667, 690 (2008) (citation and internal quotation marks omitted); *cf. Innerbichler v. Innerbichler*, 132 Md. App. 207, 230 (2000) (recognizing that findings of fact are not clearly erroneously so long as they are supported by substantial evidence).

As Mr. Hildenbrand does not contest any specific factual findings made by the circuit court, we interpret his appeal to challenge only the court's application of the law. In the below discussion, therefore, we independently apply the facts as found by the circuit court to the law. *Piper v. Layman*, 125 Md. App. 745, 754 (1999) (applying a *de novo* standard of review to the circuit court's issuance of a protective order).

DISCUSSION

I. THE CIRCUIT COURT PROPERLY GRANTED THE PETITION.

A. The Parties' Contentions

On appeal, Mr. Hildenbrand argues that “there was no evidence to support a finding of abuse by the trial court sufficient to warrant a protective order, and the issuance of [the Order] was therefore clearly erroneous.” Mr. Hildenbrand further contends that “there were insufficient facts to warrant any finding of abuse because there was no *reasonable* fear of harm by [Ms. Hildenbrand].” In particular, Mr. Hildenbrand argues that because:

Ms. Hildenbrand admits that Mr. Hildenbrand never caused her any bodily harm, that she remained in the home with the children, that Mr. Hildenbrand had no weapons, and that Ms. Hildenbrand made no efforts to contact law enforcement, there was no basis for the trial court to conclude that she was placed in reasonable fear of imminent bodily harm.

Thus, because Ms. Hildenbrand failed to “demonstrate by clear and convincing evidence that the alleged abuse [] occurred[,]” Mr. Hildenbrand believes the circuit court erred in granting the Petition.

In response, Ms. Hildenbrand argues that the court did not err in finding, by a preponderance of the evidence, that the alleged abuse occurred. Ms. Hildenbrand cites to the court’s verbal ruling in which, as quoted above, the court refers to the “you want to make me a criminal, I will give you a criminal” statement made by Mr. Hildenbrand, and Mr. Hildenbrand’s throwing of a shoe in Ms. Hildenbrand’s general direction, to support a finding of credibility as to Ms. Hildenbrand’s testimony that she was placed in

imminent fear of serious bodily harm. As explained further below, we agree with Ms. Hildenbrand, and affirm.

B. Legal Framework

The General Assembly originally enacted Maryland’s domestic violence protection statute, now codified at Maryland Code Ann., Family Law (“FL”) (1984, Repl. Vol. 2019) §§ 4-501 through 4-516,³ to “protect and aid victims of domestic abuse by providing an immediate and effective remedy.” 1980 Md. Laws ch. 887; *Coburn v. Coburn*, 342 Md. 244, 252 (1996) (internal citation and quotation marks omitted). Pursuant to § 4-504(a)(1), “[a] petitioner may seek relief from abuse by filing with a court . . . a petition that alleges abuse of any person eligible for relief by the respondent.” In this context, “abuse” can mean “an act that places a person eligible for relief in fear of imminent serious bodily harm[.]” while a “person eligible for abuse” includes “the current or former spouse of the respondent[.]” §§ 4-501(b)(1)(ii), (m)(1). The petitioner bears the burden of proving that the alleged abuse has occurred by a preponderance of the evidence. § 4-506(c)(1)(ii); *see also C.M. v. J.M.*, 258 Md. App. 40, 56-57 (2023) (“[P]reponderance of the evidence means more likely than not.” (citation and internal quotation marks omitted)).

The appropriate standard for determining whether the petitioner’s fear of imminent serious bodily harm is reasonable “is an individualized objective one—one that looks at the situation in the light of the circumstances as would be perceived by a reasonable

³ Unless otherwise noted, all statutory references are to the Family Law Article.

person in the petitioner’s position[.]” *Katsenelenbogen v. Katsenelenbogen*, 365 Md.

122, 138-39 (2001). Additionally,

A person who has been subjected to the kind of abuse defined in § 4-501(b) may well be sensitive to non-verbal signals or code words that have proved threatening in the past to that victim but which someone else, not having that experience, would not perceive to be threatening.

Id. at 139.

To determine whether a petitioner has met this individualized objective standard, a court may consider instances of past abuse. *Hripunovs v. Maximova*, 263 Md. App. 244, 269 (2024). Furthermore, a “trial judge, most aptly situated to determine the credibility of witnesses, [is] ‘entitled to accept—or reject—*all, part, or none* of’ their testimony, ‘whether that testimony was or was not contradicted or corroborated by any other evidence.’” *Id.* (quoting *Omayaka v. Omayaka*, 417 Md. 643, 659 (2011)).

C. Analysis

Here, Mr. Hildenbrand argues that the circuit court erred in granting the Petition because Ms. Hildebrand was not placed in reasonable fear of imminent bodily harm. Specifically, he contends that because Mr. Hildenbrand never caused Ms. Hildenbrand bodily harm, Ms. Hildenbrand remained in the home with the children, Mr. Hildenbrand “had no weapons,” and Ms. Hildenbrand made no efforts to contact law enforcement, Ms. Hildenbrand was not placed in reasonable fear of bodily harm. We disagree.

The record contains evidence demonstrating that, more likely than not, Ms. Hildenbrand was placed in reasonable fear of imminent serious bodily harm. *C.M.*, 258 Md. at 56-57. At the August 16, 2024 hearing, Ms. Hildenbrand testified about Mr.

Hildenbrand finding her in a mall parking lot, yelling at her, grabbing her sunglasses off her face and breaking them, and attempting to keep her from getting into the car. Ms. Hildenbrand also testified about separate incidents where Mr. Hildenbrand locked her and the parties' young children outside of their home, and where Mr. Hildenbrand locked her in the home's basement.

Ms. Hildenbrand further testified about how Mr. Hildenbrand had thrown shoes and toys in her general direction. Finally, Ms. Hildenbrand described how, the night before filing the Petition, Mr. Hildenbrand appeared in her room and told her, "You want to make me a criminal, I will give you a criminal." The testimony regarding the final threatening statement made by Mr. Hildenbrand late at night while the parties were alone, combined with the evidence that Mr. Hildenbrand had previously thrown items in Ms. Hildenbrand's general direction, locked her out of the home, locked her in the parties' basement, and exhibited other controlling and aggressive behavior, demonstrates, more likely than not, that a reasonable person in Ms. Hildenbrand's position would fear serious imminent bodily harm.

Turning to Mr. Hildenbrand's specific arguments, we conclude that Ms. Hildenbrand's own actions, i.e., remaining in the home with the children and not contacting law enforcement, are evidence of Ms. Hildenbrand's actual, individualized fear. *Katsenelenbogen*, 365 Md. at 138-39 (describing the standard of fear as "an individualized objective one—one that looks at the situation in the light of the circumstances as would be perceived by a reasonable person in the petitioner's position"). As the circuit court recognized below, "victims of domestic violence don't

always act in the way you think they might, which is that they appear fearful and afraid and timid. Sometimes they appear differently.” We are likewise unconvinced that Ms. Hildenbrand failed to prove by a preponderance of the evidence that Mr. Hildenbrand placed her in reasonable fear of serious imminent bodily harm merely because she did not immediately call the police or leave the parties’ home.

Additionally, that Mr. Hildenbrand had not previously caused Ms. Hildenbrand physical harm is irrelevant to determine whether she was placed in reasonable fear of serious imminent bodily harm. Mr. Hildenbrand cites to no law supporting the contention that past bodily harm must be present for a “person eligible for relief” to be placed in reasonable fear of serious imminent bodily harm. § 4-501(m)(1). While acts that cause serious bodily harm are abuse, § 4-501(b)(1)(i) (“an act that causes serious bodily harm” is “abuse”), acts that “place[] a person eligible for relief in fear of imminent serious bodily harm” are, independently, also abuse. § 4-501(b)(1)(ii). We see no logic to Mr. Hildenbrand’s argument that because he had not previously caused Ms. Hildenbrand bodily harm, he did not commit acts that reasonably placed her in fear of serious imminent bodily harm.

Finally, pursuant to § 4-506(f), a “final protective order shall order the respondent to surrender to law enforcement authorities any firearm in the respondent’s possession, and to refrain from possession of any firearm, for the duration of the protective order.” We interpret Mr. Hildenbrand’s contention that he “had no weapons” to mean that, because he possessed no firearms that the Order required him to surrender to law enforcement, a reasonable person in Ms. Hildenbrand’s position would not fear serious

imminent bodily harm. The fact that Mr. Hildenbrand does not possess any firearms does not relate to whether a reasonable person in Ms. Hildenbrand position would fear of serious imminent bodily harm; rather, under the plain language of § 4-506(f), circuit courts are required to order that those subject to final protective orders surrender firearms to law enforcement. Therefore, contrary to what Mr. Hildenbrand argues, this portion of the Order was required by § 4-506(f) and does not have any bearing on whether Mr. Hildenbrand placed Ms. Hildebrand in reasonable fear of imminent bodily harm.

CONCLUSION

We hold that the circuit court did not err in issuing the Order because, by a preponderance, the evidence demonstrates that Mr. Hildenbrand placed Ms. Hildenbrand in reasonable fear of serious imminent bodily harm. Accordingly, we affirm.

**JUDGMENT OF THE CIRCUIT COURT
FOR FREDERICK COUNTY AFFIRMED;
COSTS TO BE PAID BY APPELLANT.**