

Circuit Court for Montgomery County
Case No.: 90389FL

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1742

September Term, 2024

ALTON E. HARRISON

v.

YVETTE DENISE KINZER

Wells, C.J.,
Friedman,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 13, 2025

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

Appellant Alton E. Harrison and Appellee Yvette Denise Kinzer are the parents of two minor children. In February 2013, the Circuit Court for Montgomery County ordered Harrison to pay to Kinzer \$348 per month in child support. In December 2023, Harrison petitioned the circuit court to terminate his support obligation. After a hearing, the Family Magistrate recommended denying the petition. Harrison excepted to the recommendation, but he failed to order and file a transcript of the proceeding before the magistrate. *See* Md. Rule 9-208(g). As a result, on September 5, 2024, the circuit court dismissed his exceptions, adopted the magistrate’s recommendation, and denied the petition. More than a month later, Harrison moved for reconsideration, which the court denied on October 29. This appeal followed.

We must first address the scope of our review. The judgment in this case was entered on September 5. Under Maryland Rule 8-202(a), a notice of appeal must “be filed within 30 days after entry of the judgment or order from which the appeal is taken.” This deadline may be tolled only by filing a revisory motion within 10 days of the judgment. *Pickett v. Noba, Inc.*, 122 Md. App. 566, 570 (1998). Here, Harrison filed his revisory motion more than 30 days after the judgment. It therefore did not toll the time to appeal from the underlying judgment. To appeal from the merits of the judgment, Harrison had until October 5 to file his notice of appeal. He did not do so. Because his notice of appeal was filed more than 30 days after the circuit court entered its judgment, we cannot consider the merits of the underlying judgment.

Harrison did, however, file his notice of appeal within 30 days of the circuit court’s denial of his revisory motion. That said, because the motion was filed more than 30 days

after the judgment, under Maryland Rule 2-535(b), the court could “exercise revisory power and control over the judgment” only “in case of fraud, mistake, or irregularity.” We review the denial of such a motion for an abuse of discretion. *See Das v. Das*, 133 Md. App. 1, 15 (2000).

The only argument that Harrison presented in his motion was that Kinzer had stated she does not need child support. Even if true, this does not constitute “fraud, mistake, or irregularity” within the meaning of Rule 2-535(b). *See generally Facey v. Facey*, 249 Md. App. 684, 632–34, 638–40 (2021) (discussing fraud and mistake); *J.T. Masonry Co., Inc. v. Oxford Constr. Servs., Inc.*, 74 Md. App. 598, 610–12 (1988) (discussing irregularity). Accordingly, the circuit court did not abuse its discretion in denying Harrison’s revisory motion.

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