

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2199

September Term, 2022

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RASHAWN L. BOYD

v.

JADAH S. SPRUEIL

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Friedman,  
Shaw,  
Meredith, Timothy E.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 6, 2023

\*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.

\*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

Rashawn L. Boyd, appellant, and Jadah S. Sprueil, appellee, are the parents of a minor child. In 2022, the Prince George’s County Office of Child Support, at the request of the North Carolina Cabarrus County Child Support Enforcement Agency, filed a complaint against appellant to establish and enforce child support. Following a virtual hearing, at which appellant was not present, the Magistrate recommended that appellant pay child support to appellee in the amount of \$1,013 per month, with arrearages being assessed at \$4,052.00.

Four days after the hearing, appellant, who at the time was self-represented, filed a “Notice of Appeal” to this Court. Attached was a lengthy letter, in which appellant claimed that: (1) he had never received the login information for the virtual hearing from the circuit court, despite a notice from the court indicating that he would receive such information by email, and (2) he had called and emailed multiple people at the circuit court on the morning of the hearing to try and obtain the login information but did not receive a response. In support of this claim, appellant also included several emails and screenshots from his cell phone which purported to show his attempts to obtain the necessary login information. The letter further indicated that, had he been able to attend the hearing, he would have presented evidence demonstrating that, under the Maryland Child Support Guidelines, his child support payments should have been set at \$708.52 per month. The appeal was eventually voluntarily dismissed after appellant retained counsel.<sup>1</sup>

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<sup>1</sup> We note that this notice of appeal was filed prior to the circuit court entering its order adopting the findings and recommendations of Magistrate. It was therefore premature, as it was taken from a non-final judgment. *See Anthony Plumbing of Maryland,*

On January 11, 2023, the court entered an order adopting the findings of the Magistrate and ordering appellant to pay \$1,013 per month in child support and \$20 per month to satisfy his child support arrearages until they were paid in full. Thereafter, appellant, now represented by counsel, filed a timely motion to alter or amend the judgment pursuant to Maryland 2-534, claiming that his procedural due process rights had been violated because the court had “not provided [him] the necessary information to access the child support hearing in-person or virtually.” The motion further asserted that because he “was not present at the hearing, his evidence of current pay and provision of health insurance for the minor child was not considered when the child support obligation was imposed.” The circuit court denied that motion without a hearing. This appeal followed.

As he did in the circuit court, appellant asserts that his procedural due process rights were denied because the court failed to give him notice of, and instructions for, the virtual hearing to establish child support, which prevented him from presenting evidence at that hearing. He thus claims that the court abused its discretion in denying his motion to alter or amend the judgment.

To be sure, the circuit court was required to provide appellant with an opportunity to participate in the virtual hearing before the Magistrate. And given the nature of the

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*Inc. v. Attorney General*, 298 Md. 11, 16 (1983) (“The master’s findings do not finally dispose of the litigation in the trial court; they may be excepted to by the parties and are not binding until confirmed and implemented by the trial court.”). Consequently, in voluntarily dismissing that appeal before the entry of a final judgment, appellant did not waive his right to challenge the notification procedures with respect to the virtual hearing in the circuit court.

proceeding, appellant’s claim that he was improperly denied access to that hearing is a serious one. It is possible, of course, that appellant’s inability to access the hearing was an issue of his own making. Nevertheless, nothing in the existing record sheds light on the validity of appellant’s claim. In fact, only a credibility assessment could resolve the conflict as to the issues raised in appellant’s motion. And without such first-level fact-finders, we cannot resolve his claim on appeal. *See Taylor v. State*, 388 Md. 385, 398-99 (2005) (“[W]here (1) material evidence is in conflict, (2) resolution of that conflict depends on a determination of the credibility of the witnesses through whom the conflicting evidence is presented, and (3) there are no factors apparent in the record that would enable a finder of fact reliably to judge the credibility of the witnesses, any determination made by the trier of fact is necessarily arbitrary and cannot stand.”). Accordingly, we shall reverse the judgment of the circuit court denying appellant’s motion to alter or amend the judgment, and remand the case with instructions to the circuit court to promptly hold an evidentiary hearing on that motion to address the claims raised by appellant therein.

**JUDGMENT OF THE CIRCUIT  
COURT FOR PRINCE GEORGE’S  
COUNTY DENYING APPELLANT’S  
MOTION TO ALTER OR AMEND  
THE JUDGMENT REVERSED. CASE  
REMANDED FOR AN EVIDENTIARY  
HEARING ON THAT MOTION.  
COSTS TO BE PAID BY APPELLEE.**