

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2206

September Term, 2022

AUGUSTUS BUTLER

v.

ZAIRE ACQUAAH

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

JJ.

PER CURIAM

Filed: September 6, 2023

*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.

*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.

In August 2022, Zaire Acquaaah, appellee, filed a complaint in the Circuit Court for Baltimore City against Augustus Butler, appellant, seeking to establish a child support order for the parties' minor child. At a January 5, 2023, hearing the parties indicated that they had agreed to the entry of a consent order which, consistent with the child support guidelines, required appellant to pay \$735 per month in ongoing child support, plus an extra \$15 per month towards existing child support arrears. After appellant was questioned by the court and appellee's counsel to make sure that he understood and agreed to the terms of the consent order, the court signed the order, which was entered onto the docket the following day. Appellant now appeals from the consent order, claiming that (1) he has "never seen [a] picture of what daughter took the DNA test" establishing paternity; (2) he never had the opportunity to review appellee's finances prior to signing the consent order; and (3) he should have been granted "50-50" custody of the minor child. Appellee has filed a motion to dismiss the appeal on the grounds that appellant is not aggrieved by the consent order. Alternatively, she asserts that appellant's contentions are not preserved for appellate review. For the reasons that follow, we shall grant the motion to dismiss.

A consent order is "an agreement of the parties with respect to the resolution of the issues in the case or in settlement of the case, that has been embodied in a court order and entered by the court, thus evidencing acceptance by the court." *Barnes v. Barnes*, 181 Md. App. 390, 408 (2008) (citation omitted). It "reflect[s] the agreement of the parties pursuant to which they have relinquished the right to litigate the controversy." *Id.* at 408 (internal quotation marks and citation omitted).

The general rule is that there is no right to appeal from a consent order. *Id.* at 411. The basis for this rule was explained in *Suter v. Stuckey*, 402 Md. 211, 224 (2007), as follows:

The availability of appeal is limited to parties who are aggrieved by the final judgment. A party cannot be aggrieved by a judgment to which he or she acquiesced. The “right to appeal may be lost by acquiescence in, or recognition of, the validity of the decision below from which the appeal is taken or by otherwise taking a position which is inconsistent with the right of appeal.”

(Internal citations omitted). The Court further explained in *Suter* that “[t]he public policy of promoting settlement agreements by ensuring finality is another reason to disallow appeals from consent judgments.” *Id.* at 225.

Here, appellant does not dispute that the consent judgment was issued pursuant to the agreement of the parties. Nor does he claim that he was coerced into entering the consent judgment. Moreover, a review of the record indicates that the parties knowingly and voluntarily entered into the consent judgment, and that it incorporates what they agreed upon in open court. Consequently, the appeal must be dismissed.¹

**MOTION TO DISMISS GRANTED.
COSTS TO BE PAID BY APPELLANT.**

¹ Even if the appeal was not subject to dismissal we would still affirm because the issues raised by appellant were not raised in the circuit court and therefore, not preserved for appellate review. *See* Maryland Rule 8-131(a) (“Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]”).