

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0445

September Term, 2016

DANA WILKINS

v.

ARMSTEAD WILKINS, SR.

Krauser, C.J.,
Graeff,
Nazarian

JJ.

PER CURIAM

Filed: December 13, 2016

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Armstead Wilkins filed a motion for modification of custody in the Circuit Court for Prince George's County concerning the care and custody of his two minor children. The children's mother, Dana Wilkins, appellant, filed an answer. Both sought sole physical and legal custody of the children. After several days of testimony, the court awarded primary physical and joint legal custody to Mr. Wilkins. In this appeal, appellant claims that the trial court erred. Finding no error, we affirm.

Appellate review of a trial court's decision regarding child custody involves three interrelated standards. First, any factual findings made by the court are reviewed for clear error. *In re Yve S.*, 373 Md. 551, 586 (2003). Second, any legal conclusions made by the court are reviewed *de novo*. *Id.* "Finally, when the appellate court views the ultimate conclusion of the [court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [court's] decision should be disturbed only if there has been a clear abuse of discretion." *Davis v. Davis*, 280 Md. 119, 234 (1977). An abuse of discretion occurs when the court's decision is "well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 313 (1997) (quoting *North v. North*, 102 Md. App. 1, 14 (1994)).

With that said, appellate review is not an appropriate forum for a party to relitigate its case or to argue the weight of evidence; "[t]he weighing of the evidence and the assessment of witness credibility is for the finder of fact, not the reviewing court." *Terranova v. Board of Trustees*, 81 Md. App. 1, 13 (1989). "Such broad discretion is vested in the [trial court] because only [it] sees the witnesses and the parties, hears the

testimony, and has the opportunity to speak with the child; [it] is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor child.” *Reichert v. Hornbeck*, 210 Md. App. 282, 304 (2013) (internal citations and quotations omitted).

Applying the foregoing principles, we hold that the trial court did not err in awarding primary physical and joint legal custody to Mr. Wilkins. The court engaged in a thoughtful and comprehensive analysis of the circumstances of the case, the relevant statutory factors, and the best interests of the children. The court received and considered a plethora of evidence from both parties, and, based on this evidence, determined that the children would be better suited if Mr. Wilkins were to retain primary custody. Appellant presents no evidence to suggest that the court’s findings were clearly erroneous, that the court erred as a matter of law, or that the court abused its discretion.

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