

Circuit Court for Baltimore County
Case No: 03-C-18-010146

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 14

September Term, 2020

ALVIN PYE, JR.

v.

SHANEKA ALEONG

Graeff,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 17, 2021

*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.

Alvin Pye, Jr., appellant, and Shaneka Aleong, appellee, are the co-parents of one minor child. On October 7, 2019, the Circuit Court for Baltimore County entered an order which, in pertinent part, awarded primary physical custody to Ms. Aleong and directed Mr. Pye to pay \$290 in monthly child support. In response, Mr. Pye filed to modify the court’s custody order. Because he failed to plead or argue that there had been a material change in circumstances warranting a modification of custody, Mr. Pye’s motion was dismissed by the court following a February 27, 2020 hearing. On March 4, 2020, Mr. Pye noted an appeal to the court’s February 27, 2020 ruling.¹ On appeal, he raises the following question for our review:

Did the court err in finding under the facts of this case to award primary physical custody at 65 percent to the [appellee] with tie break authority?

This question, however, and the argument raised in Mr. Pye’s brief raises challenges which are solely directed at the circuit court’s October 7, 2019 custody order. Pursuant to 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.” Mr. Pye did not file a notice of appeal

¹ Though the court issued an oral ruling on February 27, 2020 dismissing Mr. Pye’s motion to modify, the ruling was not ultimately set forth on a separate document pursuant to Maryland Rule 2-601(a)(1). Moreover, there is no docket entry reflecting that Mr. Pye’s request was dismissed. *See URS Corporation v. Fort Myer Construction Corporation*, 452 Md. 48, 67 (2017) (strict compliance with the separate document rule can be “waived, at least where ... the trial court intended the docket entries made by the court clerk to be a final judgment and where no party objected to the absence of a separate document after the appeal was noted.”). At most, the record contains a hearing sheet which states: Ms. Aleong’s “Oral – Motion to dismiss – granted.” Therefore, to the extent that Mr. Pye sought to note an appeal from the court’s February 27, 2020 oral ruling, his notice of appeal was filed prematurely, before the ruling was reduced to a separate document.

until March 4, 2020, almost five months after the issuance of the court’s October 2019 custody order. Moreover, at the February 2020 hearing, Mr. Pye acknowledged that he could have “filed a motion for a new trial” or “could have appealed” the October 2019 order, but conceded that “[n]one of [those] things happened.” The time for challenging the October 2019 order, therefore has long passed and pursuant to Maryland Rule 8-602(b)(2), we dismiss Mr. Pye’s appeal as untimely filed.

**APPEAL DISMISSED. COSTS TO
BE PAID BY APPELLANT.**