Circuit Court for Prince George's County
Case No.: C-16-FM-24-808997

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 872

September Term, 2024

GEORGE MARTIN

v.

DYANA MARTIN

Reed,
Zic,
Hotten, Michele D.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: September 12, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Following a hearing held on June 27, 2024, the Circuit Court for Prince George's County granted appellee, Dyana Martin, a final protective order directing her then husband, appellant, George Martin, to stay away from her and their minor son ("Son").[1] The protective order was to remain in effect through June 27, 2025. Mr. Martin appeals the judgment. Although represented by counsel at the hearing, Mr. Martin represents himself on appeal. As best we can discern from his brief, he raises the following issues for our review:

1. Whether Ms. Martin's attorney committed "prosecutorial misconduct" by "leading the witness Dyana Martin in prejudicial and inaccurate testimony" and by "[t]elling only [her] side of the story[.]"

2. Whether the hearing judge was biased against him.

3. Whether the court erred in allowing Ms. Martin to introduce evidence regarding alleged incidents of past domestic violence.

4. Whether the court erred in issuing the protective order given the lack of any evidence of physical injury to either Ms. Martin or to Son.

For the reasons to be discussed, we shall affirm the judgment.

BACKGROUND[2]

On May 6, 2024, Ms. Martin filed, pursuant to the Family Law Article of the Maryland Code, § 4-504, a Petition for Protection from Domestic Violence and Child

[1] The parties subsequently divorced. To protect his privacy, we shall refer to the minor son as "Son."

[2] The facts set forth in this opinion are taken from the circuit court record and the transcript of the June 27, 2024 hearing. We shall disregard, as we must, any facts raised in Mr. Martin's brief that are outside of that record.

Abuse on behalf of herself and Son, who was then 16 years old, based on an incident that occurred on May 3rd.[3] The District Court issued a temporary protective order on May 7th (and extended it twice) and a hearing on the final protective order request was held in the circuit court on June 27th. The parties were represented by counsel at the June 27th hearing.

Ms. Martin's Case

As petitioner, Ms. Martin presented her case first. She testified that when she returned to the family home after work on May 3rd "an altercation" occurred between Son and Mr. Martin regarding the teenager's use of the vehicle he had been driving and a "fight" ensued. Ms. Martin claimed that Mr. Martin "started the fight" by calling Son "a bitch." She "broke the fight up" and when she subsequently attempted to leave the home, Ms. Martin testified that Mr. Martin grabbed her arm and tried to force her back into the house. Several days before this incident, on April 30th, Ms. Martin asserted that, following intercourse, Mr. Martin (with whom she had quarreled the week before), "wrapped his hands around my neck and said, bitch, if you leave, I will kill you."

When her counsel asked Ms. Martin whether there had been any other prior "incidences of violence" between her and Mr. Martin, Mr. Martin's counsel objected on relevance grounds. The court overruled the objection. Ms. Martin's counsel then showed her Petitioner's Exhibit No. 1, which consisted of two photos which were identified as a facial head shot of herself and of Mr. Martin with what appears to be a cast on his right

[3] Unless otherwise indicated, all dates are in 2024.

forearm and hand. Ms. Martin testified, without objection, that these photos depict an incident that occurred "[a]round November of 2017" when Mr. Martin "tried to beat the living crap out of me." According to Ms. Martin, he hit her "so hard" in the face he "either broke or fractured" his hand. Although she testified that she had filed a petition for a protective order following that incident, she claimed that she did not go forward with it because Mr. Martin told her if she did, he would kill her. The court admitted the photos over Mr. Martin's objection.

Ms. Martin testified that Mr. Martin's mother had once lived with the family. Counsel then asked her if there had been any "incidences" between Mr. Martin and his mother during that time. Upon objection, Ms. Martin's counsel proffered that "[t]here was a violent act" Ms. Martin witnessed between Mr. Martin and his mother. The court overruled the objection and Ms. Martin testified that "[a]round 2021," she had observed her husband "assaulting" his mother, who moved out of their home following that incident.

Ms. Martin testified that she owns a "firearm," which had been stored in a safe in the basement of the family home. She claimed, however, that the safe was empty and believed that Mr. Martin had the gun, and that he was prohibited from owning or possessing a gun because of his criminal record. She related that the firearm was in the home prior to her filing the petition for a protective order, but she realized it was missing after she returned home several days after the May 3rd incident, at which time Mr. Martin was told to vacate the premises.

On cross-examination, Ms. Martin acknowledged that she did not pursue the request for a protective order following the alleged 2017 incident and that she continued living with Mr. Martin in the family home. She also acknowledged that she did not call the police following the May 3rd incident and that Son was not "hurt," other than "[e]motionally[.]" She disagreed with counsel's suggestion that the interaction between Mr. Martin and Son that evening "was a discipline issue" between them. Ms. Martin did agree that the incident began as a "discussion" between the parents and Son regarding Son's use of the car. After the incident, Ms. Martin and Son left the home and spent several days with Mr. Martin's mother before she filed the petition for a protective order.

Ms. Martin admitted that, although she was interviewed by Child Protective Services ("CPS") after the May 3rd incident, she did not tell CPS that Mr. Martin had grabbed her to prevent her from leaving the house. Nor did she include that information on the petition for the protective order. She testified, however, that she had told "The House of Ruth" and that "the Ring camera" captured "him trying to bring me back into the house."

She admitted that the petition for a protective order did not include her allegation that on April 30th, Mr. Martin had threatened that he would kill her if she ever left him. Ms. Martin claimed there must be a "paper missing" from her petition because she remembered "having to rewrite that because they didn't give you enough space to write." She further admitted that she did not call the police after that threat was made. She also did not call the police after allegedly witnessing Mr. Martin assault his mother. She

denied that this alleged assault was actually "a fight" between her and her mother-in-law, but admitted that "in the past[]" she had "gotten into a physical altercation" with the woman.

The next witness Ms. Martin called in her case-in-chief was Mr. Martin. When counsel asked whether he recalled the incident between him and Son on May 3rd, Mr. Martin insisted that there was "no incident[.]" When asked whether it was his "opinion" that the testimony given by Ms. Martin about the events on May 3rd "did not occur as she stated[,]" Mr. Martin replied: "One hundred percent." When asked about her testimony that on April 30th Mr. Martin had threatened to kill her, he responded: "Never occurred." When asked about Petitioner's Exhibit No. 1 (which counsel described as the photos of Ms. Martin's face "with her eye swollen and your hand in a cast"), Mr. Martin responded: "That was litigated[.]" When further questioned about the injury to his hand, Mr. Martin claimed that that injury occurred in 2008 when he was "body punching" with a friend. When asked whether Ms. Martin was "telling the truth that you punched her in her eye" in 2017, he replied: "Yes." When asked about Ms. Martin's testimony that he was "in an altercation with [his] mother in 2021," Mr. Martin answered: "Not true." When asked whether he had called Son "a bitch and push[ed] him down[,]" Mr. Martin replied: "No." When counsel asked whether he had told his mother, during a recess in the proceedings,

"about the testimony presented" in court that day, he replied: "No more than Dyana told her son."[4]

Son was the next witness called by Ms. Martin's counsel. He related that, after his mother returned home on May 3rd, his father "was drinking already" and when they started to "talk" Mr. Martin called him "a bitch" and when Son replied, "I'm not no bitch[,]" Mr. Martin "stood up and got in [Son's] face." Son then "got up" and, according to Son, Mr. Martin "pushed" him down and when he got up again, Mr. Martin "grabbed" him and "started pushing" him." Son testified that Ms. Martin "separated" them, and he went "upstairs."

Son testified that, several days earlier, on April 30th, he had overheard his father say to his mother, "I'm going to kill you." He also testified that he recalled the 2017 incident seeing his mother's face in the condition shown in the photo marked Petitioner's Exhibit No. 1. He related that "all I remember is arguing, and my mother ran back in my room with her eye swollen." With regard to that incident, Son further testified that Mr. Martin had said "I'm going to kill her[ ]" and there were "guns" in the basement at that time and he stated that he "was scared for my mother's life and mine."

On cross-examination, Son denied that his mother was upset on May 3rd because he had "kept the car too long" on that day and she had never called him "a bitch[.]" Son admitted he did not call the police following that or any other incident, but that in a recent

[4] Mr. Martin's counsel had invoked "the rule on witnesses" and, unless a party to the proceeding, the parties' witnesses had been asked to leave the courtroom until called to the witness stand.

interview with the Prince George's County Department of Social Services ("DSS") he told them that Mr. Martin was a "violent person" and he "scared" him.[5] Son acknowledged that he and his mother had left home after the May 3rd incident and went to his grandmother's (Mr. Martin's mother's) house, and he claimed that he had told his grandmother that he and his father had "fought."

Mr. Martin's Case

Mr. Martin's first witness was his mother, Dorothy Carpenter. She admitted that Ms. Martin and Son had spent a few days with her at her home the weekend of May 3rd. She testified that when they arrived, she asked what had happened and "they said they been in an altercation, well, it was a little argument" with Mr. Martin who had been "talking junk" – that he and Son "got in [an] argument." She claimed, however, that "[t]hey said nobody touched anybody." When asked whether she had heard "anything about grabbing someone by the neck[,]" Mrs. Carpenter replied, "No. They said nobody touch[ed] anybody."

[5] The court had a "report" from the Prince George's County Department of Social Services in its possession and allowed Mr. Martin's counsel to review it and to use it during cross-examination. The report, dated June 13, 2024, and addressed to the court, appears on the circuit court's June 27, 2024 docket entry. The report was prepared after DSS interviewed Ms. Martin, Son, and Mr. Martin in response to Ms. Martin's petition for a protective order. In his interview, Son related that his father has "anger issues" and that he had witnessed him "abuse his mother and his older brother[.]" He also told the caseworker that Mr. Martin has a "drinking problem" and "is a different person when he is under the influence of alcohol." In addition, the report indicated that Son had told the caseworker that he "witnessed his father threaten to kill his mother[]" and "things like that scare him because his father owns guns and he is a violent person."

Mrs. Carpenter confirmed that she had lived with the Martins for a while, but she denied ever having "a fight" with Mr. Martin. When asked whether she had ever gotten "into a fight" with Ms. Martin, she answered, "Yeah. Yeah, we fought."[6]

On cross-examination by Ms. Martin's counsel, when asked if Mr. Martin had ever told her that "he injured his hand while body punching someone[,]" Mrs. Carpenter replied, "Yeah. My husband." She related that "quite a few years ago, a while ago[,]" Mr. Martin had "hurt his finger" body punching her husband. When shown Petitioner's Exhibit No. 1 and asked if she recognized "who's in that picture[,]" Mrs. Carpenter said she did not know.[7]

Mr. Martin then took the stand. He denied that Ms. Martin and Son's testimony describing the evening of May 3rd was what really happened. Rather, he testified that about a week prior to this event, Son had gone to the movies with a friend and returned home late and Ms. Martin "put him on punishment." Then the following Friday, May 3rd, he called Son at about 4:50 p.m. to ask where he was because he should have arrived home from school around 4:30 p.m. Son said he was "at a carry-out" and "about two and

[6] Mrs. Carpenter was not asked whether her "fight[s]" with Ms. Martin were physical or verbal. During cross-examination of Ms. Martin, she admitted that "in the past[]" she had been in "a physical altercation" with Mrs. Carpenter.

[7] Petitioner's Exhibit No. 1 consisted of two photos: a frontal facial headshot of Ms. Martin and a side view photo of Mr. Martin from the waist up with what appears to be a cast on his right forearm. It is not clear from the transcript of Mrs. Carpenter's testimony which of the two photos Mrs. Carpenter was asked to identify, but in later comments made by the court it appears that she was shown the photo of Ms. Martin.

half hours later he got home." When Ms. Martin arrived home that evening, he informed her that Son "broke the punishment [she] had put him on."

He related that he then spoke to Son and "he just start[ed] ignoring me." So Mr. Martin said he "stood up[]" and he "did call him out his name" (as he claimed Ms. Martin had done the week before). After standing up, Mr. Martin related that he "walked towards" Son and Son "jumped up and slammed [him] in the chair where he was sitting at." He claimed that Son "held" him "down" and only let him go after Ms. Martin started yelling.

Mr. Martin further testified that Ms. Martin "started yelling at me, don't hurt my baby." And he was "trying to figure out how can I hurt your baby when he got me pinned in the chair." When Son "finally let" him go, Mr. Martin stated that Son "ran upstairs" and Ms. Martin "[s]tarted cursing [him] out." Then "[t]hey both got together, left out the door." Mr. Martin denied trying to stop them from leaving.

Mr. Martin denied telling his wife, on April 30th, that if she left him, he would kill her, claiming that "never was said." In fact, he testified that that he "always told her, the door is open for you to leave whenever you're ready[.]" When asked if he had ever threatened to kill Ms. Martin if she ever called the police on him again, Mr. Martin replied: "No. Because she called the police on me 13 times. . . . Maybe more." He also denied ever owning a shotgun or handgun.

On cross-examination, when asked why Ms. Martin had called the police on him so many times, Mr. Martin responded that it is because she is a "habitual commissioner

filer. She . . . goes there and then make up lies, and come to court and want protection from the Court with no proof." He denied ever hitting his wife or Son, and denied that any criminal charges had been filed against him for hitting his older son.

When asked about Ms. Martin's testimony that the firearm registered to her was no longer in the safe at the family home when she returned several days after the May 3rd incident, Mr. Martin replied, "That ain't my problem." He claimed he did not "know where her property," referring to the gun, was located. On re-direct, Mr. Martin's counsel confirmed that he is prohibited from possessing a firearm because of a 1987 conviction, which he described was for "[s]elling drugs."

Court's Ruling

After hearing closing statements from counsel, the court prepared to give its decision. Initially, the court stated that it did not "know whether pushing or shoving of the son would equate amount [sic] to domestic violence. Maybe." The court then reviewed the testimony given about the May 3rd incident and stated:

> [Ms. Martin] says as after the incident, fight, argument, shoving, altercation occurred between [Mr. Martin] and the minor, she then decided to leave and [Mr. Martin] grabbed her in an attempt to keep her from leaving. Apparently grabbed her against her will. And the Court finds that to be an act of domestic violence to restrain or keep [Ms. Martin] from leaving. The Court also finds that the threats to kill, and Court finds the testimony of [Ms. Martin] . . . as credible, and find the testimony of [Mr. Martin] not credible at all. Therefore, the Court would find that [Ms. Martin] has proven the allegations in this matter, and the Court would grant, Madam Clerk, the request for protection from domestic violence. The Court finds that the act of shoving, act of assault, the act of threats to commit serious bodily harm, acts of placing [Ms. Martin] and her son in fear of imminent bodily harm constitute acts of domestic violence.

The court, thus, granted the request for a final protective order directing, among other things, that Mr. Martin not abuse, threaten to abuse, contact, attempt to contact, or harass Ms. Martin and Son and further ordered him to stay away from them. The court also ordered Mr. Martin to immediately vacate the family home and awarded Ms. Martin temporary use and possession of the home. As noted, the protective order was in effect from the date of the hearing through June 27, 2025.[8]

STANDARD OF REVIEW

A petitioner seeking a final protective order must show "by a preponderance of the evidence that the alleged abuse has occurred[.]" Md. Code, Ann., Fam. Law ("FL") § 4-506(c)(1)(ii) (1984, 2019 Repl. Vol.); *C.M. v. J.M.*, 258 Md. App. 40, 56 (2023). "Preponderance of the evidence means more likely than not." *C.M.*, 258 Md. App. at 56-57 (cleaned up). When reviewing the issuance of a final protective order, we accept the trial court's findings of fact unless they are clearly erroneous. *See* Md. Rule 8-131(c); *Barton v. Hirshberg*, 137 Md. App. 1, 21 (2001). "Under the clearly erroneous standard, [the appellate court] does not sit as a second trial court, reviewing all the facts to

[8] Given that the protective order has expired on its own terms, the matter could be deemed moot. *See In re R.S.*, 242 Md. App. 338, 353 (2019) ("A case is moot when there is no longer an existing controversy when the case comes before the Court or when there is no longer an effective remedy the Court could grant.") (quotation marks and citation omitted). But as this Court has stated, "[i]n light of the stigma that is likely to attach to a person judicially determined to have committed abuse subject to protection under the Domestic Violence Act, we think that the expiration of the protective order does not automatically render the matter moot." *Piper v. Layman*, 125 Md. App. 745, 753 (1999). "The review of such finding on appeal, and the potential for vacation of the order, thereby removing the stigma, gives substance to the appeal." *Id.* (cleaned up).

determine whether an appellant has proven his case." *Webb v. Nowack*, 433 Md. 666, 680 (2013) (cleaned up). "Nor is it our function to weigh conflicting evidence." *Goss v. C.A.N. Wildlife Trust, Inc.*, 157 Md. App. 447, 456 (2004) (citations omitted). Rather, we "must consider evidence produced at the trial in a light most favorable to the prevailing party and if substantial evidence was presented to support the trial court's determination, it is not clearly erroneous and cannot be disturbed." *Ryan v. Thurston*, 276 Md. 390, 392 (1975) (citations omitted). We defer to the trial court's credibility determinations because it has "the opportunity to gauge and observe the witnesses' behavior and testimony during the trial." *Barton*, 137 Md. App. at 21 (cleaned up). "As to the ultimate conclusion, however, we must make our own independent appraisal by reviewing the law and applying it to the facts of the case." *Piper v. Layman*, 125 Md. App. 745, 754 (1999) (citation omitted).

DISCUSSION

I.

The Performance of Ms. Martin's Counsel

Mr. Martin asserts that Ms. Martin's counsel committed "prosecutorial misconduct[]" by "leading" Ms. Martin "in prejudicial and inaccurate testimony and guiding her in misrepresenting facts that occurred" during the May 3rd incident. He further claims that Ms. Martin's counsel "left out crucial evidence leading up to the . . . encounter" between him and his then wife. And he asserts that he "feels his actions were

warranted [due] to the fact that [Ms.] Martin put his life in danger and could have caused [his] death through a sexually transmitted disease again[.]"[9]

We find Mr. Martin's allegations of misconduct against Ms. Martin's counsel meritless.[10] His then wife was represented by private counsel to advocate on her behalf for the issuance of a final protective order. This was not a criminal action by the State of Maryland. Moreover, counsel for Ms. Martin was not required, nor expected, to present Mr. Martin's side of the story. Rather, that was for him and his counsel to do, which was done. Mr. Martin's counsel cross-examined Ms. Martin and Son, and Mr. Martin testified in defense to the allegations levied against him.

II.

Alleged Bias by the Hearing Judge

Mr. Martin maintains that the presiding judge exhibited "judicial bias and prejudice" and "ignored the finding of facts and allowed prejudicial evidence to be presented and then turned around and used those facts in a bia[sed] and impartial

[9] We see no evidence in the record before us that Ms. Martin had transmitted any diseases to Mr. Martin and, as noted, we shall not consider any facts outside the record developed in the trial court. But even if it were true that Ms. Martin transmitted a sexual "disease" to Mr. Martin, that fact would not justify him abusing her.

[10] Ms. Martin e-filed her brief on March 18, 2025, but did not submit paper copies in compliance with Maryland Rules 20-403(b) and 20-404(b). On April 9, 2025, this Court issued a Notice providing Ms. Martin 15 days to submit the paper copies of the brief, otherwise "the Court may strike the brief." Ms. Martin did not respond to the Notice, and further did not respond to the order entered on July 24, 2025, directing Ms. Martin "to either file the paper copies or show cause why the brief should not be stricken within 15 days." As such, on September 5, 2025, this Court entered an order striking Ms. Martin's brief.

manner." In support of his position, he cites Ms. Martin's testimony on cross-examination where she acknowledged that Son was not physically "hurt" during the May 3rd incident, only "his feelings." Mr. Martin maintains that this testimony "should have resolved the case and ended in a mistrial." He also cites the judge's "unprofessionalism when he admitted that he did not take the time to read the DSS report[,]" which he claims "is further proof that [the judge] conducted an unfair trial."

In Maryland, there is a "strong presumption that judges are impartial participants in the legal process." *Harford Memorial Hospital, Inc. v. Jones*, 264 Md. App. 520, 541 (2025) (cleaned up). "Bald allegations and adverse rulings are not sufficient to overcome this presumption of impartiality." *Id*. at 542 (citation omitted). Moreover, "[a] litigant claiming bias on the part of the trial judge must generally move for relief as soon as the basis for it becomes known and relevant." *Id*. (citation and quotation marks omitted). To preserve the issue for appellate review, the litigant "must identify the conduct to which they object and the relief they want *during the trial*[.]" *Id*. (emphasis added).

Mr. Martin has not pointed us to any place in the circuit court proceedings where he raised a claim of judicial bias or partiality or moved for the judge's recusal, and it is not our role to search the record to support his position. *Rollins v. Capital Plaza Assocs., L.P.*, 181 Md. App. 188, 201 (2008) ("'We cannot be expected to delve through the record to unearth factual support favorable to [the] appellant.'") (quoting *von Lusch v. State*, 31 Md. App. 271, 282 (1976)). Consequently, Mr. Martin's claim of judicial bias is not preserved for our review.

Moreover, we disagree with Mr. Martin that the examples he cites support his claim of impartiality or unprofessionalism on the part of the presiding judge. Mr. Martin did not move for a mistrial upon Ms. Martin's acknowledgment that Son was not physically hurt. Nor would this testimony have prompted the judge to *sua sponte* "resolve" or terminate the case then and there as Mr. Martin suggests. As we shall discuss below, a lack of physical injury does not necessarily mean abuse has not occurred for purposes of issuing a protective order.

As for the judge's failure to read the DSS report prior to the start of the hearing, Mr. Martin takes the judge's comments out-of-context. Just prior to announcing his ruling in this case, the judge noted that he does not read "the petitions prior" to the hearing, and also mentioned that he "had no opportunity to read the report that was generated by the Department of Social Services because it took us 45 minutes or an hour to locate it[.]" He then said that he had "had no idea what the report stated." It is clear to us that the judge's point was that he had presided over the hearing in this case with an open mind and without any preconceived judgments taken from either the petition Ms. Martin had filed or from DSS's report. Moreover, the judge did not state nor imply that he ignored the DSS report or failed to read it during the hearing.

III.

Admission of Evidence Relating to Past Incidents of Abuse

Mr. Martin asserts that the court erred in admitting evidence of his alleged past abuse of Ms. Martin. Specifically, he refers to the 2017 incident testified to by Ms.

Martin and Son, and the photograph of Ms. Martin's face (Petitioner's Exhibit No. 1) allegedly taken after that incident. The Supreme Court of Maryland, however, has not only rejected the contention that evidence of past abuse must be excluded from a final protective order hearing, but has spoken about its relevance. *Coburn v. Coburn*, 342 Md. 244 (1996). The Supreme Court explained:

> The purpose of the final protective order hearing is to determine whether a final protective order should be issued, not solely to prove that a single act of abuse occurred. In determining whether to issue a protective order, the judge should consider not only evidence of the most recent incident of abuse, but prior incidents which may tend to show a pattern of abuse. Allegations of past abuse provide the court with additional evidence that may be relevant in assessing the seriousness of the abuse and determining appropriate remedies.
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> ***
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> One act of abuse may not warrant the same remedy as if there is a pattern of abuse between the parties. Different remedies are required when there has been an isolated act of abuse that is unlikely to recur, as compared to an egregious act of abuse preceded by a pattern of abuse.
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> ***
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> We believe that excluding evidence of past abuse would violate the fundamental purpose of the [domestic violence] statute, which is to prevent future abuse. The statute was not intended to be punitive. Its primary aim is to protect victims, not punish abusers. Whether a respondent has previously abused a petitioner is important and probative evidence in determining the appropriate remedies. Protective orders are based on the premise that a person who has abused before is likely to do so again, and the state should offer the victim protection from further violence.

Id. at 257-59. *See also Hripunovs v. Maximova*, 263 Md. App. 244, 269 (2024) (rejecting husband's contention that trial court was precluded from considering wife's allegations of past abuse of her by him when seeking a final protective order).

In short, assuming that Mr. Martin preserved the issue for appeal, the court did not err in allowing evidence of past incidents of alleged abuse.

IV.

Lack of Physical Injuries

Mr. Martin asserts that the court erred in granting the final protective order in the absence of proof of any visible injuries to Ms. Martin or Son. Such injuries, however, are not required before a court may issue a final protective order.

The court may grant a final protective order if it finds, by a preponderance of the evidence, that "the alleged abuse has occurred[.]" FL § 4-506(c)(1)(ii). "Abuse," for purposes of the domestic violence statute, is defined, in pertinent part, as "(i) an act that causes serious bodily harm; (ii) an act that places a person eligible for relief in fear of imminent serious bodily harm; [and] (iii) assault in any degree[.]" FL § 4-501(b)(1).

In addition, "[i]f the person for whom relief is sought is a child, 'abuse' may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article." FL § 4-501(b)(2)(i). "Abuse" under FL § 5-701(b)(1) "means (i) the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by" a parent or household member. "'Child' means any individual under the age of 18 years." FL § 5-701(e).

Here, the court found that Mr. Martin had abused both Ms. Martin and Son. The court found that Mr. Martin had "grabbed" Ms. Martin in an attempt to prevent her from

leaving the family home and that he had threatened to kill her. Both actions constitute "abuse" under the statute.

Son testified that Mr. Martin had "pushed" and "grabbed" him. Mr. Martin's counsel elicited that, in his interview with DSS following this incident, Son had told the caseworker that his father is a "violent person" and he "scared" him. Son also testified that he had overheard his father threatening to kill his mother on April 30th and in the past had heard a similar threat and was "scared for my mother's life and mine."

The court found that "the act of shoving, act of assault, the act of threats to commit serious bodily harm, acts of placing [Ms. Martin] and her son in fear of imminent bodily harm constitute acts of domestic violence." We agree. As noted above, as it pertains to an individual under the age of 18 years, "abuse" for the purposes of the statute includes "the physical *or mental* injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by [] a parent[.]" (Emphasis added.) Although Ms. Martin acknowledged that Son had not suffered any physical harm as a result of the May 3rd incident, she did testify that he suffered "[e]motionally[.]" Additionally, the grabbing and pushing of Son without his consent constitutes assault.

Although Mr. Martin denied the allegations levied by his then wife and claims that she lied about what had happened, it was for the court as the factfinder to make credibility determinations. As the Supreme Court of Maryland has stated, a trial court is entitled to "accept—or reject—*all*, *part*, or *none* of the testimony of any witness, whether

that testimony was or was not contradicted or corroborated by any other evidence." *Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) (emphasis in the original). Here, the court found Ms. Martin credible and the testimony of Mr. Martin "not credible at all." Because the trial court had "the opportunity to gauge and observe the witnesses' behavior and testimony" during the hearing, we defer to the court's credibility determinations. *Barton*, 137 Md. App. at 21 (cleaned up).

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