Circuit Court for Frederick County
Case No.: C-10-FM-24-001155

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 972

September Term, 2025

ALPHONZA COFIELD, JR.

v.

MYISHA NASIR

Friedman,
Kehoe, S.,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 4, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Appellant Alphonza Cofield, Jr. and appellee Myisha Nasir are the unmarried parents of one minor child. In June 2024, Nasir petitioned the Circuit Court for Frederick County for sole legal and primary physical custody. She obtained leave to serve Cofield through alternative methods, but he did not file an answer. Accordingly, Nasir moved for an order of default, which the court issued on December 23, 2024.

Cofield failed to appear at the default hearing before a magistrate in March 2025. Based on Nasir's testimony, the magistrate recommended an order awarding to Nasir sole legal and primary physical custody of the child, requiring Cofield to pay $2,278 per month in child support, establishing $22,780 in arrears, and awarding $11,300.78 in attorneys' fees. Three days later, Cofield filed his answer and counter complaint, excepted to the magistrate's recommendation, and moved to vacate the order of default.

On April 14, 2025, the court denied as untimely Cofield's motion to vacate the order of default "except as to custody[,]" which the court set aside and scheduled for further proceedings. After a hearing, which Cofield attended, the court denied his exceptions. On May 7, 2025, the court entered an order adopting the magistrate's recommendations and recorded judgments against Cofield totaling $34,080.78 for child support arrears and attorneys' fees.

Three weeks later, Cofield moved to vacate the monetary judgments, which the court denied on June 10, 2025. That same day, Cofield moved for reconsideration of the court's denial of his motion to vacate the order of default. In Nasir's opposition to this motion, she asked the court to "consider awarding attorney's fees under Maryland Rule 1-341 for frivolous litigation." On June 27, 2025, the court denied Cofield's motion for

reconsideration. In the same order, after laying out the procedural history of the case, the court awarded to Nasir "attorneys' fees for [Cofield's] frivolous and bad faith filing in the amount of $450.00 which th[e] [c]ourt deem[ed] to be 1 and ½ hours at $300.00 per hour[.]" Cofield noted this appeal on July 9, 2025.

We must first address the scope of our review. The judgment in this case was entered on May 7, 2025. Under 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." This deadline may be tolled only by filing a revisory motion within 10 days of the judgment. *Pickett v. Noba, Inc.*, 122 Md. App. 566, 570 (1998). Here, Cofield filed his revisory motion 21 days after the judgment. It therefore did not toll the time to appeal from the underlying judgment. To appeal from the merits of the judgment, Cofield had until June 6, 2025, to file his notice of appeal. He did not do so. Because his notice of appeal was filed more than 30 days after the circuit court entered its judgment, we cannot consider the merits of the underlying judgment.

There were, however, two orders entered within the 30 days preceding Cofield's notice of appeal. The first, entered on June 10, 2025, denied his first revisory motion. To be sure, this is still an appealable order. *See Estate of Vess*, 234 Md. App. 173, 204 (2017). But "an appeal from the denial of a motion asking the court to exercise its revisory power is not necessarily the same as an appeal from the judgment itself." *Id.* (cleaned up). In such cases, the scope of our review is "limited to whether the trial judge abused [their] discretion in declining to reconsider the judgment." *Id.* at 205 (cleaned up). "It is hard to imagine a more deferential standard than this one." *Id. See also Stuples v. Baltimore City Police*

Dep't, 119 Md. App. 221, 232 (1998) (explaining that the denial of a motion to revise a judgment should be reversed only if the decision "was *so far wrong*—to wit, *so egregiously wrong*—as to constitute a clear abuse of discretion"). Moreover, "[a] default judgment entered in compliance with [Rule 2-613] is not subject to the revisory power under Rule 2-535(a) except as to the relief granted." Md. Rule 2-613(g).

In his motion, Cofield did not dispute that the judgment was entered in compliance with Rule 2-613. Instead, he argued that the evidence of his income that Nasir presented at the default hearing was false, which resulted in a miscalculation of support, arrears, and attorneys' fees. Although this argument was permitted under Rule 2-613(g), the only exhibit Cofield attached to his motion was an affidavit stating his gross monthly income. He provided no other supporting evidence such as a paystub or tax return. Given this lack of corroborating evidence, we cannot say that the circuit court abused its discretion in declining to reconsider the judgment.

The second order covered by Cofield's notice of appeal, entered on June 27, 2025, denied his motion to vacate the order of default and awarded attorneys' fees. That said, only the award of attorneys' fees is properly before us. *See Pickett v. Noba, Inc.*, 114 Md. App. 552, 560 (1997) ("The denial of [a] second motion to revise is not appealable because it is not a final judgment."). We review a court's decision to award attorneys' fees for an abuse of discretion. *Ibru v. Ibru*, 239 Md. App. 17, 47 (2018).

We must vacate this award for two reasons. *First*, "due process requires at a minimum, that before sanctions are imposed pursuant to Rule 1-341, there must be notice and an opportunity to respond." *Fowler v. Printers II, Inc.*, 89 Md. App. 448, 482 (1991)

(cleaned up). Here, Nasir requested attorneys' fees in her opposition to Cofield's motion, but the court did not give Cofield an opportunity to respond to the request before imposing the sanction.

Second, Nasir did not include a verified statement setting forth the information required in Rule 1-341(b)(2)–(3). To be sure, the court explained how it arrived at the $450 award: It "deem[ed] [this] to be 1 and ½ hours at $300.00 per hour[.]" But the court did not explain how it decided on that time or rate, nor did it find that both were reasonable. Notwithstanding the court's "large measure of discretion in fixing the reasonable value of legal services[,]" *DeLeon Enters., Inc. v. Zaino*, 92 Md. App. 399, 419 (1992) (cleaned up), "it is incumbent upon a court . . . to demonstrate precisely how its award corresponds with a party's misconduct[,]" *Barnes v. Rosenthal Toyota, Inc.*, 126 Md. App. 97, 108 (1999). Because the circuit court did not "specifically associate [Cofield]'s . . . unjustified pursuit of the litigation with the expenses and costs [Nasir] incurred in defending against that litigation[,]" we are compelled to conclude that the court abused its discretion in calculating the sanctions award. *See id.*

We will, therefore, "vacate the award and remand for further proceedings to develop the factual basis for how the court chooses to exercise its discretion." *Christian v. Maternal-Fetal Med. Assocs. of Md., LLC*, 459 Md. 1, 33 (2018). On remand, the circuit court may consider the factors suggested by the Supreme Court of Maryland in *Christian*; namely, "evidence submitted by counsel showing time spent defending an unjustified or bad faith claim or defense, the judge's knowledge of the case and the legal expertise required, the attorney's experience and reputation, customary fees, and affidavits submitted

by counsel." *Id.* at 32 (cleaned up). The court also may refer to the considerations for a reasonable fee identified in the Maryland Attorneys' Rules of Professional Conduct. *See Maxima Corp. v. 6933 Arlington Dev. Ltd. P'ship*, 100 Md. App. 441, 454–55 (1994). The circuit court must also issue "findings . . . on the record" regarding the reasonableness of the chosen fee. *See Christian*, 459 Md. at 30–31, 33.

We acknowledge that the circuit court may have credited one or more of these factors and taken them into account in determining the amount of the sanction. On the present record, however, that is unclear. On remand, after giving Cofield an opportunity to be heard in opposition, if the court still concludes that a sanction is appropriate, it should set forth its rationale for reaching a specific award amount and issue findings on the record regarding the reasonableness of that amount.

JUNE 27, 2025, AWARD OF $450 FOR ATTORNEYS' FEES VACATED. JUDGMENT OTHERWISE AFFIRMED. CASE REMANDED TO THE CIRCUIT COURT FOR FREDERICK COUNTY FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS TO BE DIVIDED EQUALLY BETWEEN THE PARTIES.