

Circuit Court for Frederick County
Case No. C-10-FM-25-810045

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1183

September Term, 2025

ANDREW McMURTRIE

v.

HILIANA McMURTRIE

Nazarian,
Leahy,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 26, 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.

Andrew McMurtrie, appellant, appeals from the granting, by the Circuit Court for Frederick County, of a final protective order. For the reasons that follow, we shall affirm the judgment of the circuit court.

Mr. McMurtrie and appellee Hiliana McMurtrie were formerly married, and have children in common. On June 30, 2025, Ms. McMurtrie filed a petition for protection from domestic violence. On July 7, 2025, the court held a hearing on the petition, at which Ms. McMurtrie testified that on June 30, 2025, Mr. McMurtrie appeared at Ms. McMurtrie’s workplace “trying to serve court papers.” The receptionist asked Mr. McMurtrie “to wait there while she went to find” Ms. McMurtrie, but Mr. McMurtrie followed the receptionist “all over the building.” Mr. McMurtrie was subsequently “escorted out of the building.” When Ms. McMurtrie arrived at the workplace’s parking lot, Mr. McMurtrie “waited for [her] to get out of [her] car,” approached her, and “threw the papers at” her. Mr. McMurtrie “was . . . yelling,” which made Ms. McMurtrie feel “threatened and afraid.” Fearing that Mr. McMurtrie “was going to put his hands on” her, Ms. McMurtrie went inside her workplace “to avoid conflict,” but Mr. McMurtrie “wouldn’t leave the property.” Mr. McMurtrie “did get a notice for trespassing,” and “[t]he cops were called.”

Ms. McMurtrie testified that in 2024, when she and Mr. McMurtrie “didn’t have a custody agreement,” they “agree[d] to meet at the Hagerstown City Park.” At the park, Mr. McMurtrie indicated that “he was taking the kids . . . without talking to” Ms. McMurtrie. Mr. McMurtrie “threw [their] daughter, Eleanor, [who] was three at the time, in the backseat and she didn’t have a seatbelt on.” Ms. McMurtrie “got in the car as well, and . . . called the police.” When Ms. McMurtrie exited the car and went to the passenger

side, Mr. McMurtrie “attempt[ed] to take off with Eleanor unbuckled [and] the door open, possibly harming” Ms. McMurtrie.

Ms. McMurtrie also called her co-worker Rachel Strasburger. Ms. Strasburger testified that she “noticed [the] receptionist . . . walking with” Mr. McMurtrie, and asked him to “sign [the] visitor log” and “go out back.” Mr. McMurtrie “made statements along the line of . . . are you afraid of me?” Mr. McMurtrie subsequently “went outside.” When Ms. McMurtrie “pulled up and got out of the car,” Mr. McMurtrie “walked over to her[,] threw the papers down at her feet[,] and said something along the lines of . . . you’ve been served.” Ms. Strasburger told Ms. McMurtrie “to go inside to just avoid confrontation,” and two of their co-workers “engaged in a pretty heated conversation with [Mr. McMurtrie], asking him to please leave.” Mr. McMurtrie “walked over to [Ms. McMurtrie’s] car[,] put the papers in the windshield,” “got in his car,” “tried to back up, almost [hit] a staff member while they were in their car,” and “pulled off.” When Ms. Strasburger “went to go back outside to get a picture of the documentation on [the] car,” she “saw [Mr. McMurtrie] pacing back and forth on the phone on the property.” Ms. Strasburger subsequently called 911. Ms. Strasburger perceived “that [Ms. McMurtrie] felt threatened” from “her demeanor” and “see[ing] her body kind of come in a little bit.” When police arrived, they “serve[d Ms. McMurtrie] the paperwork” and “served [Mr. McMurtrie a] writ of no trespass.”

Following the close of Ms. McMurtrie’s case, Mr. McMurtrie testified that he was trying to deliver to Ms. McMurtrie “a response to something on [their] other case and also a request to postpone [a] court date until early September.” Mr. McMurtrie stated that he

“did not throw [the] papers,” and attempted to personally deliver them because “there was an instance where things were undeliverable” to Ms. McMurtrie, and Mr. McMurtrie had “been served at work three or four times.” Mr. McMurtrie stated that he “didn’t raise [his] voice . . . until the woman started yelling at [him] in the parking lot,” and he “was harassed” and intimidated. Mr. McMurtrie “did not leave . . . because [he] did not throw” the papers, did “not put [his] hand anywhere close to her,” and could not leave the papers, which had information regarding the couple’s children and “court cases, in the middle of a parking lot.” Mr. McMurtrie “gather[ed] the papers” and “put them on a windshield.” When Mr. McMurtrie “backed out,” he “let the clutch out a little bit,” but “didn’t notice” a person “15 feet away.” Mr. McMurtrie then “parked off of the premises,” “got the papers,” and “held onto them.” Mr. McMurtrie testified that his “intentions were not to cause harm, . . . any scare[,] any threat[,] or anything like that.”

Following the hearing, the court granted a final protective order, stating:

There is a preponderance of the evidence to believe that the respondent committed the following act of abuse, placed person eligible for relief in fear of imminent serious bodily harm.

* * *

Sir, the statutory guidelines for a protective order aren’t just an assault. The throwing the paper that hit her feet could be considered an assault. I took that as contested because I don’t really have evidence either way about whether they hit the feet. But I didn’t need to get to that because she testified that she was in fear that you were going to hurt her. Her witness described her demeanor and behavior that led her to believe that she was in fear of imminent serious bodily harm.

When I look at this, you had no real reason to go there. You came there, in the Court’s eye, looking for trouble. And I appreciate the fact that you felt like you had been harassed in some way at your place of employment

and that that was, you know, turnabout's fair play. However, she didn't go to your employment. The police did. She had no control over how the police serve you with prior protective orders or whatever else they're serving you with. You give the paper to the police, the police go where they go. Typically, you don't even talk to the police. You have no input as to how they serve.

Secondly, when asked to leave, your testimony is that you thought it was a neat building and you were looking at the cafeteria and this. It's weird. It's odd behavior. You're an ex-husband. You don't go to her employment and just, kind of, camp out, follow people around, and then have an argument on the street, throwing papers that actually you didn't even have to serve. You could have put in the mail. You didn't want to do that because you were clearly looking for a confrontation in the Court's mind. Secondly, when you say that I didn't want to leave the papers out on the street after she left, that's the other thing. Instead of continuing in an argument with you on the street, she just removed herself from the situation, also leaving the Court, giving credence to her statement that she was afraid.

Then you say, I didn't want to leave the papers on the street. You could have just picked the papers up and put them in an envelope and mailed them. All you have to do is show mailing. You don't have to show receipt. You have to show mailing to her address. That's it. I think you had a lapse of judgment that day and happens to the best of us. I certainly have that from time to time. But that rises to the level that it gives credence to her concerns for her safety. Because of that, the Court granted the protective order.

Mr. McMurtrie contends that, for numerous reasons, the court erred in granting the order. We disagree. “[O]n appellate review of a circuit court’s grant of a final protective order[,]

we accept the circuit court’s findings of facts, unless they are clearly erroneous. We must consider evidence produced at the trial in a light most favorable to the prevailing party. 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. It is not our role, as an appellate court, to second-guess the trial judge’s assessment of a witness’s credibility. As to the circuit court’s ultimate conclusion, we must make our own independent appraisal by reviewing the law and applying it to the facts of the case.”

Hripunovs v. Maximova, 263 Md. App. 244, 261-62 (2024) (internal citations, quotations, and brackets omitted).

Here, the court gauged and observed the witnesses’ behavior and testimony during the hearing, and clearly determined Ms. McMurtrie and Ms. Strasburger to be credible. We defer to this determination, and do not second-guess the court’s assessment. Also, Mr. McMurtrie admitted during his testimony that he attempted to personally deliver documents to Ms. McMurtrie in part because he had “been served at work three or four times,” and remained on the premises of Ms. McMurtrie’s workplace despite being asked to leave. Considering this evidence in a light most favorable to Ms. McMurtrie, we conclude that the court did not clearly err in finding that Mr. McMurtrie “felt like [he] had been harassed in some way at [his] place of employment,” and that he was “clearly looking for a confrontation.” Hence, the court did not err in granting the final protective order.

**JUDGMENT OF THE CIRCUIT COURT
FOR FREDERICK COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**