Circuit Court for Harford County
Case No. C-12-FM-22-809169

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1262

September Term, 2023

CHARLES T. JOHNSON, II

v.

SAMANTHA JOHNSON

Graeff,
Ripken,
Meredith, Timothy E.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: June 13, 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 persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

This appeal arises from an order issued by the Circuit Court for Harford County denying the Motion for New Trial and Request for Hearing filed by Charles T. Johnson, II ("Father"), appellant. Father filed the motion after the court granted a petition filed by Samantha Johnson ("Mother"), appellee, to extend a final protective order against Father based upon her allegation that Father committed a subsequent act of abuse against one of the parties named in the protective order.

On appeal, Father presents the following questions for this Court's review, which we have rephrased slightly,[1] as follows:

1. Did the circuit court err in denying Father's motion for a new trial based on his contention that he did not receive notice of the modification hearing?

2. Did the circuit court abuse its discretion in extending the final protective order based on its finding that Father committed a subsequent act of abuse against one of the victims named in that order?

For the reasons set forth below, we shall dismiss the appeal.

[1] Father presented the following questions on appeal:

1. Whether the trial court abused its discretion in denying Respondent's Motion for New Trial without hearing, notwithstanding Respondent's request for a hearing on the Motion; and whether the trial court otherwise erred in granting the motion.

2. Whether the trial court abused its discretion in extending the initial Protective Order by two years instead of extending it only six months as requested by Counsel for Appellee.

FACTUAL AND PROCEDURAL BACKGROUND

On June 23, 2022, Mother filed a Petition for Protection from Domestic Violence against Father in the District Court of Maryland for Harford County.[2] That same day, the District Court granted a Temporary Protective Order. On June 26, 2022, law enforcement personally served Father with the Petition and Temporary Protective Order at an address in Elkton, Maryland.

On July 21, 2022, the Circuit Court for Harford County issued a Final Protective Order, effective through July 20, 2023. Father was personally served with the Final Protective Order at the circuit court, located at 20 West Cortland Street, Bel Air, Maryland. The court ordered Father not to abuse, threaten to abuse, and/or harass Mother or their three children. It also ordered Father not to contact them by any means, except as otherwise stated in the order. The court granted Mother custody of the children, denied Father visitation except as supervised, and ordered Father to immediately surrender all firearms.

On April 17, 2023, Mother filed a petition for contempt for violation of the final protective order and a petition to extend the final protective order, alleging that Father stalked their eldest son at church, followed him out of the building, and yelled at him in the parking lot, causing him mental injury. She asserted that, because of this contact, Father violated the protective order and committed a subsequent act of abuse pursuant to Md. Code Ann., Fam. Law ("FL") § 4-507 (2024 Supp.). She requested that the court extend

[2] Although we do not detail the underlying facts here, the petition alleged numerous acts of physical and mental abuse by Father against Mother and their three sons.

the protective order for up to two years. Mother certified that she mailed both the petition for contempt and the petition to extend the protective order via first-class mail, postage prepaid, to Father's address in Colora, Maryland.

On April 19, 2023, the circuit court issued a Show Cause Order, directing Father to show cause as to why he should not be held in contempt for violating the Final Protective Order. It also ordered a hearing on May 24, 2023, for the petition to extend and the petition for contempt. The court ordered that the Show Cause Order be served on Father by law enforcement or private process.[3] It mailed a Notice of Hearing/Trial to Father at P.O. Box 371, Rising Sun, Maryland, 21911.

On May 24, 2023, the court held a hearing on both the petition for contempt and the petition to extend. Father did not attend the hearing. The court determined that there was no return of service on the Show Cause Order for the contempt petition, and it ruled that it would postpone the hearing on that petition.[4]

With respect to service on the Petition to Extend, Mother stated that she had mailed the petition to P.O. Box 371, Rising Sun, Maryland, because Father had "ripped out the mailbox at his physical address" and "cannot receive mail there." After the clerk of court

[3] On May 8th, 15th, and 19th, 2023, the Cecil County Sheriff's Office attempted, unsuccessfully, to personally serve the Show Cause Order on Father at the Colora address.

[4] The court noted that a complaint for limited divorce was pending in the Circuit Court for Harford County and criminal charges were pending in Cecil County for violation of the Final Protective Order. Contrary to Father's representation that he was acquitted in the criminal case, the criminal case was *nolle prossed* on September 7, 2023.

confirmed that the hearing notice was sent to the post office box in Rising Sun, Maryland, and it was not returned, the court found that adequate notice was given pursuant to FL § 4-507(a)(3)(ii). The court stated that this statute "simply says, 'give notice,' and there were two different efforts to give notice," when Mother sent a copy of her request for extension and when the court sent a notice of the hearing date. The court noted that

> the statute does not elaborate further as to what the notice has to be. And I just note for the record that when talking about a temporary protective order, the statute is very clear that that must be served by a law enforcement officer; whereas succeeding notices have to be sent, when notice has to be given, mail is acceptable. Including the final protective order, if personal service has been achieved initially with a temporary protective order.
>
> So, as it appears, the general assembly said personal service when that's what they meant. I assume giving notice simply means notice having been given to the address of record that we have for [Father]. So, the Court is going to find that adequate notice was given.

Mother testified that, on April 16, 2023, her 17-year-old son, C., was attending Sunday school at church when Father approached him.[5] C. was "frantic, panicked, nervous, and hadn't seen his dad in almost a year now. He's got a lot of anger and things built up with the situation and the abuse that's happened towards him." As Father came within five to seven feet of C., C. "bolted out" of the church and got into his vehicle. Father pursued C. on foot and yelled: "No. Please don't go. Please stay."

Following the incident, Mother viewed video surveillance footage from the church. The video footage was admitted into evidence and played during the hearing. Mother

[5] In the interest of privacy, we refer to the minor child by initial.

narrated portions of the video, identified C. and Father, and noted when Father "tried to stop [C.] and mutter something."

Mother testified that C. has "a lot of repressed anger and issues with the situation that we've been through because it wasn't just verbal abuse for my son. It was a lot of physical abuse for him as well. So, it really kind of messed with his head in a way that wasn't healthy." She testified that Father had committed multiple other violations of the no-contact provision of the Final Protective Order, including contacting C. on another occasion at his church youth group, attempting to contact Mother via intermediaries, and contacting Mother's daughter directly, both at her place of work and via message. Mother's daughter ultimately changed jobs because Father was stalking and following her.[6]

After hearing argument from Mother's counsel, the court extended the Final Protective Order. It found that 17-year-old C. was a protected party under the Final Protective Order. In addressing whether there was abuse justifying an extension of the protective order, the court stated:

> When I put together everything that I've heard from [Mother] this morning, it does appear to me that what was going on here was not just an intentional violation of the order, having to do with an attempt to make contact with [C.], but it also was a stalking of him; going to a place where he was expected to be, checking out his car, going through the building looking for him, and the child -- he's seventeen years old, but he's still a child -- bolts out the door when he sees his father. His father does try to speak to him. And then his father tries to, when he comes out of the building, walks toward where you can see [C.'s car] leaving.

[6] Mother's daughter is not identified as a party to be protected in the Final Protective Order.

So, when I combine that with the Court's review of the Petition for the Protective Order which detailed significant verbal and physical abuse of [Father's] children including this son, I believe, by a preponderance of the evidence, that what we saw going on here was an intentional stalking of this young man as well as placing him -- an act which placed him in fear of imminent serious bodily harm. I mean, this young man literally bolted out the door. He saw his father coming. They literally were sort of the distance apart of a little bit wider than the double doorway was wide, and [C.] bolted out the side door to get away from his father.

So, I believe it is appropriate under the facts which I have heard to extend the order for two years. I note that in doing so, the Court is obligated to look at the nature and severity of the subsequent act of abuse. And I recognize that there was no physical contact here. There apparently was an attempt at verbal contact. But as in all things having to do with domestic violence, the Court has to put what happened or is happening currently in the context of everything that went before in terms of the impact on the child in question.

So, for that reason, after having been told in no uncertain terms by the Court through this final protective order, that there would be no contact, the fact that the father came to this church where he is not a regular member, and is checking out his son's car, looking through the church to find him, finds him, that the young man flees basically, when he sees his father, I believe that that is something the Court has to take very seriously, in the context of the second factor which I have to be concerned about, the history and severity of abuse in the relationship. So, in the context of that history, and the severity of that past abuse, the mental impact, the emotional impact of that past abuse which [Mother] has spoken to today, I believe that that is a factor which argues in favor of the longer extension.

Now, there are criminal proceedings pending. They are for the violation of this protective order. Once again, this is not a situation, thankfully, where there was a subsequent physical contact or injury. But the mental impact cannot be overstated. And I look at that, not only with the third factor, but also with the fourth factor; the nature and extent of the injury or risk of injury caused by the respondent. And so, here we have a situation where this 17-year-old who has had some respite during the course of the final protective order, is in a place of refuge. That is what a church should be. And he finds himself confronted with his father. I don't think that the Court can discount the mental and emotional impact of this, particularly

> given the extraordinarily controlling behavior and humiliation and physical abuse of the older children that was described in the petition.
>
> So, the Court finds that it is appropriate to extend the term of the final protective order. It will be extended on the same terms for a period of two years. Now, I believe it is . . . two years from the date the extension is granted. So, it would be from today.[7]

On June 2, 2023, Father filed a Motion for New Trial and Request for Hearing. He asserted, among other things, that he had received a copy of Mother's Motion for Modification via regular mail, but he never received a hearing notice from the court or the clerk's office "informing him that the Motion was to be heard on May 24, 2023." Father stated that his "mailing address of record for this case is P.O. Box 371, Rising Sun, MD 21911, which address is well known to [Mother] since it is the address the parties had both used for several years prior to the time [Mother] left the parties' home in June 2022." He asserted that he had been out of town in Maine attending to his father, who subsequently passed on May 10, 2023, and that, upon his return to Maryland, he received a copy of the Petition for Contempt that was delivered to his post office box. He did not know about the May 24, 2023, hearing until he received the court's order extending the Final Protective Order.

On June 16, 2023, Mother filed an opposition to Father's motion, which was mailed, postage prepaid, to Father's post office box address in Rising Sun, Maryland. On July 7, 2023, Father filed a response to the opposition.

[7] The extended protective order provides that the order is effective until May 24, 2025, at 11:59 p.m. The court's order granting the extension was served by mail to Father's post office box address in Rising Sun, Maryland.

On August 2, 2023, the circuit court denied Father's motion for a new trial without a hearing. It noted that Father's motion confirmed that he was on notice of the proceedings.

This appeal followed.

DISCUSSION

Father contends that the court erred in two ways. First, it erred in denying his Motion for New Trial without a hearing despite his assertion that he did not receive "any notice of the May 24, 2023 hearing on the Motion for Modification." Second, the circuit court erred or abused its discretion in extending the Final Protective Order for two years.

Mother contends that the court did not err in proceeding with the hearing after determining that Father was properly served with notice of the hearing. She asserts that the court properly "acted within its discretion in extending the final protective order by two years" based on its finding that Father committed a subsequent act of abuse against his son, a person eligible for relief in the protective order.

FL § 4-507(a) provides that, during its term, a protective order may be modified or rescinded after notice and a hearing. Section 4-507(a)(3) provides:

> (i) Subject to subparagraph (ii) of this paragraph, a judge may extend the term of a protective order for a period not to exceed 2 years from the date the extension is granted if:
>
> 1. during the term of the protective order, the judge finds by a preponderance of the evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order; or
>
> 2. the respondent named in the protective order consents to the extension of the protective order.
>
> (ii) The judge may extend the term of the protective order under subparagraph (i) of this paragraph after:

1. giving notice to all affected persons eligible for relief and the respondent; and

2. a hearing.

(iii) In determining the period of extension of a protective order under subparagraph (i)1 of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;

2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;

3. the pendency and type of criminal charges against the respondent; and

4. the nature and extent of the injury or risk of injury caused by the respondent.

Before addressing the merits of the arguments, we must address a threshold issue, i.e., whether the contentions presented here are moot. A case is moot when "past facts and occurrences have produced a situation in which, without any future action, any judgment or decree the court might enter would be without effect." *Cane v. EZ Rentals*, 450 Md. 597, 611 (2016) (quoting *Hayman v. St. Martin's Evangelical Lutheran Church*, 227 Md. 338, 343 (1962)). *See also Tempel v. Murphy*, 202 Md. App. 1, 16 (2011) ("The test for mootness is whether a case presents a controversy between the parties for which the court can fashion an effective remedy."). "This Court ordinarily does not render judgment on moot questions." *La Valle v. La Valle*, 432 Md. 343, 351 (2013). Rather, "we generally dismiss moot actions without a decision on the merits." *Green v. Nassif*, 401 Md. 649, 655 (2007) (quoting *Dep't of Hum. Res., Child Care Admin. v. Roth*, 398 Md. 137, 143 (2007)).

Here, the protective order at issue expired on May 24, 2025. Accordingly, this appeal is moot because, as in *LaValle*, 432 Md. at 352, which involved a protective order that had expired, a decision by this court would be without effect. Nevertheless, although

we conclude that the appeal is moot, we will exercise our discretion to discuss the merits of Father's appeal, which is "capable of repetition, yet evading review." *Trusted Sci. & Tech., Inc. v. Evancich*, 262 Md. App. 621, 641 (quoting *Powell v. Md. Dep't of Health*, 455 Md. 520, 541 (2017)), *cert. denied*, 489 Md. 253 (2024).

I.

Notice

Father's first contention is that the court erred in determining that he was properly given notice of the hearing. To address that issue, we must construe the meaning of the term "giving notice" pursuant to FL § 4-507(a)(3)(ii)(1).

In addressing this issue, we apply well-settled rules of statutory construction. As we have previously stated:

> "[T]he cardinal rule of statutory interpretation is to ascertain and effectuate the real and actual intent of the Legislature." *State v. Brooke*, 262 Md. App. 207, 211, 318 A.3d 14 (2024) (quoting *State v. Bey*, 452 Md. 255, 265, 156 A.3d 873 (2017)). "The process begins with the plain meaning of the statutory language 'viewed within the context of the statutory scheme to which it belongs, considering the purpose, aim, or policy of the Legislature in enacting the statute.'" *Id.* at 211-12, 318 A.3d 14 (quoting *Bey*, 452 Md. at 266, 156 A.3d 873).

Adelakun v. Adelakun, 263 Md. App. 356, 372-73 (2024), *aff'd*, 490 Md. 201 (2025). "If the words of the statute, construed according to their common and everyday meaning, are clear and unambiguous and express a plain meaning, we will give effect to the statute as it is written." *State v. Krikstan*, 483 Md. 43, 64 (2023) (quoting *Bellard v. State*, 452 Md. 467, 481 (2017)).

Here, the words of the statute permit the court to extend a protective order after "*giving notice* to all affected persons eligible for relief and the respondent" and conducting a hearing. FL § 4-507(a)(3)(ii)(1) (emphasis added). Although the statute does not define "notice," the Supreme Court has explained that, when a statutory term is not defined, the court often will "look to dictionary definitions as a starting point, to identify the 'ordinary and popular meaning' of the terms." *Westminster Mgmt., LLC v. Smith*, 486 Md. 616, 644 (2024) (quoting *Comptroller v. FC-GEN Operations Invs. LLC*, 482 Md. 343, 390 (2022)). Black's Law Dictionary defines "notice" as:

> Legal notification required by law or agreement, or imparted by operation of law as a result of some fact (such as the recording of an instrument) . . . A person has notice of a fact or condition if that person (1) has actual knowledge of it; (2) has received information about it; (3) has reason to know about it; (4) knows about a related fact; or (5) is considered as having been able to ascertain it by checking an official filing or recording.

Notice, *Black's Law Dictionary* (12th ed. 2024). Based on this definition, we construe the term "giving notice" as including giving information that results in either actual notice or presumed notice.

A review of the language of FL § 4-507(a)(3)(ii)(1) within the context of the statutory scheme as a whole supports the conclusion that the court is not required to confirm that notice was, in fact, received by the recipient. The statutory scheme set forth in Title 4, Subtitle 5, indicates that, although an initial protective order, either an interim or temporary protective order, shall be served on the respondent by a law enforcement officer, FL §§ 4-504.1, -505(b)(1)(i), thereafter the respondent can be served "by first-class mail at the respondent's last known address." FL § 4-505(b)(2). Given these provisions and the

plain meaning of the term notice, we agree with the circuit court that the "notice" required by FL § 4-507 may be accomplished by regular mail, and proof of receipt is not required.[8]

Here, Mother testified that she mailed the petition to Father's post office address in Rising Sun, Maryland. The clerk of court mailed the notice of hearing regarding that petition to Father's post office address, and this notice was not returned to the court. Father conceded in his motion for a new trial that he received the petition at his post office address, which he described as his "mailing address of record," and he received other case-related documents sent to that address. Under these circumstances, the circuit court did not err or abuse its discretion in proceeding with the hearing, despite Father's claim that he did not actually receive the notice.

[8] We note that, in Maryland, there is a presumption that mail is received by the addressee. *See Brito v. Major Energy Elec. Servs., LLC*, 526 F. Supp. 3d 95, 113 (D. Md. 2021). This Court has explained that "the testimony of a witness that he properly addressed, stamped and mailed a letter raises a presumption that it reached its destination at the regular time and was received by the person to whom it was addressed." *Bock v. Ins. Comm'r*, 84 Md. App. 724, 730 (1990) (quoting *Kolker v. Biggs*, 203 Md. 137, 144 (1953)). "Testimony that the addressee did not receive the letter does not conclusively rebut the presumption of receipt." *Id*. at 733.

II.

Extension of the Final Protective Order

Father next contends that the court abused its discretion in extending the protective order. He asserts that the evidence fell "woefully short of establishing 'abuse'" that would warrant a two-year extension.[9]

As indicated, FL § 4-507 (a)(3)(i)(1) permits the extension of a final protective order when "the judge finds by a preponderance of the evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order." The extension cannot exceed a period of two years "from the date the extension is granted." § 4-507 (a)(3)(i). In determining the period of extension, the judge shall consider the following factors:

> 1. the nature and severity of the subsequent act of abuse;
> 2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;
> 3. the pendency and type of criminal charges against the respondent; and
> 4. the nature and extent of the injury or risk of injury caused by the respondent.

FL § 4-507(a)(3)(iii).

Pursuant to FL § 4-501(b)(1), "[a]buse" means any of the following acts:

> (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;

[9] Father also argues that the extension was improper because Mother sought only a six-month extension. Mother asserts that she requested a two-year extension in both her petition for extension and at the hearing, and she only suggested a six-month extension in the alternative if the court found that Father did not commit a "subsequent act of abuse." The record supports Mother's assertion.

(iii) assault in any degree;
(iv) rape or sexual offense under § 3-303, § 3-304, § 3-307, or § 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree;
(v) false imprisonment;
(vi) stalking under § 3-802 of the Criminal Law Article; or
(vii) revenge porn under § 3-809 of the Criminal Law Article.

In *Hripunovs v. Maximova*, 263 Md. App. 244, 264 (2024), we explained that, in determining whether there was "abuse" in the context of protective orders, the court must apply an individualized, objective standard that "looks at the situation in the light of the circumstances as would be perceived by a reasonable person in the petitioner's position." (quoting *Katsenelenbogen v. Katsenelenbogen*, 365 Md. 122, 138 (2001)). In *Katsenelenbogen*, the Supreme Court explained:

> A person who has been subjected to the kind of abuse defined in [FL] § 4-501(b) may well be sensitive to non-verbal signals or code words that have proved threatening in the past to that victim but which someone else, not having that experience, would not perceive to be threatening. The reasonableness of an asserted fear emanating from that kind of conduct or communication must be viewed from the perspective of the particular victim. Any special vulnerability or dependence by the victim, by virtue of physical, mental, or emotional condition or impairment, also must be taken into account.

365 Md. at 139.

Here, the circuit court did not err or abuse its discretion in finding, by a preponderance of the evidence, that Father committed a subsequent act of abuse against his son, a person covered by the Final Protective Order. The court considered both testimonial and video evidence of Father's violation of the no contact provisions of the Final Protective Order, including evidence that C. was "frantic, panicked, nervous" after seeing Father, and

that Father followed C. into the church parking lot and yelled: "No. Please don't go. Please stay."

The court's decision to extend the Final Protective Order for two years was consistent with the factors enumerated in FL § 4-507(a)(3)(iii). The court found that: (1) Father stalked his son and tried to speak to him; (2) there was a history of "significant verbal and physical abuse" detailed in the original Petition for Protective Order; (3) criminal proceedings were pending for Father's violation of the protective order; (4) Father's actions placed C. "in fear of imminent serious bodily harm"; and (5) the court could not "discount the mental and emotional impact of this, particularly given the extraordinarily controlling behavior and humiliation and physical abuse of the older children that was described in the petition." The court did not err or abuse its discretion in extending the Final Protective Order. Because the issue is moot, however, we shall dismiss the appeal.

APPEAL DISMISSED AS MOOT. COSTS TO BE PAID BY APPELLANT.