

Circuit Court for Prince George's County
Case No.: CAD22-21412

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1830

September Term, 2024

WILLIE J. DANIEL, JR.

v.

JASMINE CURSEEN

Tang,
Albright,
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Hotten, J.

Filed: August 6, 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).

Appellant, Willie J. Daniel, Jr. (“Father”), appeals an order by the Circuit Court for Prince George’s County denying three petitions to hold Appellee, Jasmine Curseen (“Mother”) in contempt, and requiring the parties to attend two mediation sessions before filing another contempt petition. Father presents three questions for this Court’s review,¹ which we have consolidated and rephrased, as follows:

1. Did the circuit court err or abuse its discretion in denying three petitions for contempt filed by Father against Mother?
2. Did the circuit court err or abuse its discretion in requiring the parties to complete two mediation sessions before filing another contempt petition?

For the reasons that follow, we affirm the judgment of the circuit court.

BACKGROUND

This case concerns a custody dispute over the parties’ minor child. On July 13, 2022, Father filed a Complaint for Custody against Mother in the Circuit Court for Prince George’s County. In his Complaint, Father alleged that Mother was denying him access to the minor child and perpetuating what he termed “parental alienation.” The circuit court held a hearing on February 16, 2023. In an order dated March 27, 2023 (the “2023 Custody Order”), the court ordered that the parties shall have joint legal and joint physical custody of the minor child, and that they shall work diligently to come to agreements regarding

¹ Father presented the following questions on appeal:

1. Did the court abuse its discretion to dismiss appellant second petition for contempt dated 07/26/2024?
2. Did the court dismiss petitions for contempt dated 08/02/2024 and 08/08/2024 without a temporary custody order in the record?
3. Did the court abuse its discretion to require two mediation sessions to delay filing petition for contempt, thus interfering with due process?

educational, religious, medical, or general welfare issues related to the minor child. The court also provided the following access schedule.

During the school year, Father would have access the first, second, and fourth weekends of each month beginning with pickup from school on Friday and ending with the minor child's return to school on Monday. Then, the court ordered that the summer vacation for the minor child would begin the first full week after the last day of school and would end the first full week before the first day of school. The summer access would be one week on, one week off, except that Father would have two consecutive weeks of access of his choosing, so long as he notified Mother by May 1 of each year as to when he wants to have his two consecutive summer weeks. The court also made several rulings specific to certain holidays. Finally, the court ordered that when school is not in session, the access exchanges shall be at 5705 Kaveh Court, Upper Marlboro, MD 20772.²

On July 26, 2024, Father filed two petitions for contempt against Mother. The first petition alleged that Mother “continues parental alienation and deny access to our child first weekend of month (05/31/2024), adjusted second weekend of the month (06/14/2024), and Father's Day pickup on 06/15/2024.” In his second petition, Father alleged that Mother was “non-responsive to call and email to schedule pickup for emergency travel for 3rd weekend of the month (12/22/2023). She only agreed to next schedule access time, no swap or make-up weekend.”

² The Kaveh Court address was the residence of the minor child's maternal grandmother.

Then, on August 2, 2024, Father filed a third petition for contempt. This time, he alleged that Mother was “non-responsive to call (07/29/2024) and emails (07/27/2024 & 07/29/2024) to schedule pickup for scheduled week starting 07/29/2024.” Father filed a fourth contempt petition on August 8, 2024, this time alleging that Mother was “non-responsive to Father’s two consecutive summer weeks 2024 and summer schedule communication sent to Jasmine via email (06/12/2024).” Finally, on August 30, 2024, Father filed the fifth and final contempt petition at issue below. In this petition, Father alleged that Mother “via text informed the Father that our child is registered to start school August 25 without my prior knowledge of any matters related to the school and without an agreement.”

At an October 11, 2024 contempt hearing, the circuit court heard arguments from both parties on all five contempt petitions. The court ultimately granted Father’s first petition, finding that Mother denied access to the minor child during Father’s Day weekend in violation of the 2023 Custody Order. As a sanction, the court granted Father one make-up weekend with the minor child. However, the court denied Father’s second petition, finding that the 2023 Custody Order did not require Mother to respond to any particular phone call. As for Father’s third and fourth contempt petitions, the circuit court denied both, finding that there was a temporary custody order in place at that time granting sole legal and physical custody to Mother. Therefore, Mother violated no order by withholding access to the minor child during that time. Finally, the circuit court granted Father’s fifth contempt petition, finding that Mother violated the 2023 Custody Order by enrolling the minor child in a new school without consulting Father.

In addition to ruling on Father’s five contempt petitions, the circuit court also modified its 2023 Custody Order to read: “The parties must participate in two mediation sessions if they are unable to agree on matters relating [to] the minor child’s education, health, religion, or any other general welfare issues before filing a petition for contempt.”

Father filed a notice of appeal on November 15, 2024. However, finding that the circuit court failed to enter a final judgment in the thirty days preceding the filing of Father’s notice of appeal, this Court remanded without affirmance or reversal for the circuit court to enter a written order memorializing its October 11, 2024 rulings, and stayed this appeal pending the remand. The circuit court entered a written order on April 9, 2025, and this Court lifted the stay on April 29, 2025.³

STANDARD OF REVIEW

Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal.

Md. Rule 8–131(a).

For a contempt order “to be appealable, § 12–304 [of the Courts & Judicial Proceedings Article] requires the order or judgment to be passed to preserve the power and dignity of the court and to have adjudged the person appealing in contempt of court.” *Pack Shack, Inc. v. Howard County*, 371 Md. 243, 254 (2002). If either of these prerequisites are not satisfied, the appeal is not properly before this Court.

³ Father filed a brief on May 14, 2025, but Mother did not file a brief. Thus, our review is limited to Father’s arguments and the record.

DISCUSSION

I. Order Denying Father’s Petitions for Contempt is not Appealable, and Even if Appealable, the Circuit Court did not Err or Abuse its Discretion in Denying the Contempt Petitions

A. Father Cannot Appeal the Circuit Court’s Denial of his Petitions to Hold Mother in Contempt

Final judgments are generally appealable under Maryland Code (1973, 2020 Repl. Vol.), Courts & Judicial Proceedings Article (“CJP”), § 12–301, subject to certain enumerated exceptions. One of those exceptions is for appeals in contempt cases, which are governed by CJP §§ 12–304 and 12–402. Section 12–304(a) provides:

Any person may appeal from any order or judgment passed to preserve the power or vindicate the dignity of the court and adjudging him in contempt of court, including an interlocutory order, remedial in nature, adjudging any person in contempt, whether or not a party to the action.

In *Pack Shack, Inc. v. Howard County*, 371 Md. 243 (2002), the Supreme Court of Maryland considered whether a party who unsuccessfully petitions a trial court to hold an adversary in constructive civil contempt⁴ of court may appeal the denial of that petition. *Id.* at 245. In that case, Howard County filed a petition for constructive civil contempt to

⁴ “Contempt proceedings can be classified as direct or constructive and as criminal or civil.” *Md. Dep’t of Health v. Myers*, 260 Md. App. 565, 614 (2024). Direct contempt occurs when the contempt is “committed in the presence of the judge presiding in court or so near to the judge as to interrupt the court’s proceedings.” Md. Rule 15–202(b). “‘Constructive contempt’ means any contempt other than a direct contempt.” Md. Rule 15–202(a). “Civil contempt proceedings are ‘intended to preserve and enforce the rights of private parties to a suit and to compel obedience’ with court orders and decrees.” *State v. Crawford*, 239 Md. App. 84, 110 (2018) (quoting *Dodson v. Dodson*, 380 Md. 438, 448 (2004)). “Criminal contempt proceedings, in contrast, are intended to ‘punish for past misconduct, which may no longer be capable of remedy.’” *Crawford*, 239 Md. App. at 110 (quoting *Bradford v. State*, 199 Md. App. 175, 193 (2011)). As in *Pack Shack*, 371 Md. at 246, the contempt petitions that Father filed here were for constructive civil contempt.

enforce an injunction that enjoined Pack Shack from using its premises in violation of the County’s zoning regulations. *Id.* at 246. The trial court found that there was insufficient evidence to hold Pack Shack in contempt and, therefore, denied the County’s petition. *Id.* The County appealed that decision to this Court. *Id.* at 247. Although recognizing that there ordinarily is no right of appeal from a trial court’s denial of a petition for constructive civil contempt, this Court held that the County could appeal in this case “because the contempt proceeding was in the nature of a civil execution to enforce a decree intertwined with an appealable order, i.e., the injunction.” *Howard Cnty. v. Pack Shack, Inc.*, 138 Md. App. 720, 725 (2001).

The Supreme Court of Maryland ultimately reversed this Court’s decision in *Pack Shack*, holding that “§ 12–304 clearly and unambiguously limits the right to appeal in contempt cases to persons adjudged in contempt.” 371 Md. at 254. The Court reasoned that this interpretation of the statute is evident from its plain language; to be appealable, the order or judgment must be passed to preserve the power or vindicate the dignity of the court *and* it must have “adjudg[ed] [the person appealing] in contempt of court.” CJP § 12–304(a). Since Howard County filed the contempt petition, the County was not adjudged in contempt of court. *Pack Shack*, 371 Md. at 254. Therefore, not being a person held in contempt, the Court concluded that the County had no right to appeal the trial court’s denial of the contempt petition. *Id.*

This Court recently applied the *Pack Shack* Court’s holding in *Kadish v. Kadish*, 254 Md. App. 467 (2022), and *Trusted Science and Technology, Inc. v. Evancich*, 262 Md. App. 621 (2024). First, in *Kadish*, this Court applied *Pack Shack* and held that “Mother

does not have a right to appeal as ‘the party who unsuccessfully sought to have the other adjudged in contempt.’” *Kadish*, 254 Md. App. at 509 (quoting *Kemp v. Kemp*, 42 Md. App. 90, 101 (1979), *rev’d on other grounds*, 287 Md. 165 (1980)). Then, relying on *Kadish* and *Pack Shack*, this Court held in *Trusted Science and Technology* that the appellant’s “appeal from the circuit court’s decision to strike the petition for contempt is not properly before this Court.” 262 Md. App. at 628.

Here, as in *Pack Shack*, *Kadish*, and *Trusted Science and Technology*, Father’s appeal from the circuit court’s decision to deny his contempt petitions is not properly before us.

B. If Appealable, The Circuit Court Did Not Abuse its Discretion when it Denied Father’s Second Petition for Contempt

Even if his appeal of the circuit court’s denial of his contempt petitions was properly before this Court, we would still affirm.

Father first contends that the circuit court abused its discretion in denying his second petition for contempt filed on July 26, 2024. Father filed two contempt petitions on July 26, 2024, the first of which is not at issue here because the circuit court granted that petition. In his second petition, Father alleged that Mother was in contempt of the 2023 Custody Order because she was “non-responsive to call and email to schedule pickup for emergency travel for 3rd weekend of the month (12/22/2023). She only agreed to next schedule access time, no swap or make-up weekend.” The 2023 Custody Order granted Father access with the minor child on the first, second, and fourth weekends of each month during the school

year. The Order added that “when school is not in session the access exchanges shall be at 5705 Kaveh Court, Upper, Marlboro, MD 20772.”

At the contempt hearing on October 11, 2024, the circuit court denied Father’s second petition for contempt. The court first questioned why Father would file for contempt for something that happened eight months prior. The court then explained that, even putting the date aside, the custody order did not require Mother to respond to any particular phone call. Thus, there being no violation of the custody order, the court denied Father’s second contempt petition.

In his brief to this Court, Father argues that the circuit court failed to apply the three-year statute of limitations for civil actions provided by CJP § 5–101. Additionally, Father argues that Mother violated the custody order because school was not in session and, therefore, access had to be scheduled via communication such as email or telephone. For these reasons, Father contends that the circuit court abused its discretion in denying his second petition for contempt. We disagree.

First, contrary to Father’s assertion, it is clear that the circuit court did not base its denial of his second contempt petition on its being filed eight months after the alleged contempt. While the court did express some confusion with Father’s decision to wait eight months to file a contempt petition, the court ultimately held that “even putting the date aside, there’s the order doesn’t require Ms. Curseen to respond to any particular phone call.” Thus, the court apparently denied Father’s contempt petition because it found that Mother did not violate the custody order, not because Father chose to file the petition eight months after the alleged contempt occurred.

Second, the circuit court did not err or abuse its discretion in finding that Mother did not violate the custody order. The order granted Father access with the minor child on the first, second, and fourth weekends of each month during the school year, and specified that access exchanges should take place at 5705 Kaveh Court, Upper Marlboro, MD 20772 when school is not in session. However, the order did not require the parties to utilize any particular mode of communication to coordinate these exchanges, nor for that matter did the order require *any* communication between the parties regarding the exchanges. Father could have simply met Mother at 5705 Kaveh Court for pickup at the time when exchanges normally took place when school was in session. Alternatively, if communication was truly necessary to coordinate the exchange, Father could have reached out to Mother on the OurFamilyWizard platform rather than calling or emailing her. Nothing in the order required Mother to answer Father’s calls or emails. For these reasons, the circuit court did not err or abuse its discretion in finding that Mother did not violate the custody order when she allegedly failed to respond to Father’s calls and emails.

C. If Appealable, the Circuit Court did not Err in Denying Father’s Third and Fourth Petitions for Contempt because the Record Reflects that a Temporary Custody Order was in Place from June 18, 2024, to August 16, 2024

Father next contends that the circuit court erred in denying his third and fourth petitions for contempt on the basis of a temporary custody order that does not appear in the record.

In his third contempt petition, filed on August 2, 2024, Father alleged that Mother was “non-responsive to call (07/29/2024) and emails (07/27/2024 & 07/29/2024) to

schedule pickup for scheduled week starting 07/29/2024.” Then, in a fourth contempt petition filed on August 8, 2024, Father alleged that Mother was “non-responsive to Father’s two consecutive summer weeks 2024 and summer schedule communication sent to Jasmine via email (06/12/2024).” At the contempt hearing on October 11, 2024, the circuit court found that the events alleged in both contempt petitions occurred while a temporary order granting sole legal and physical custody to Mother was in place. The court found that the temporary order was in place from around June 17, 2024, to around August 16, 2024. Since Father had no right to visitation while the temporary order was in effect, the court held that Mother did not violate any order by denying Father access to the minor child during that period. We agree.

While there is no written order in the record explicitly granting sole legal and physical custody to Mother, there is nonetheless ample evidence that such an order existed. The record reveals that on June 17, 2024, Mother filed a motion to modify custody of the minor child. Mother alleged that a modification was necessary for the following reasons:

The child was diagnosed with a serious possibly fatal illness, and was prescribed medication. Father did not give/refused to give child medication during scheduled visitation. The child’s condition worsened as a result to an even more fatal condition. Father also came to my mother’s home our exchange point demanding I give him our son when it was not his visitation time. Police had to be called to get him to leave.

Mother ended her motion with a request that the court grant her “sole physical and legal custody until we can present the judge with the facts at another custody case in the future.” That same day, the court held a hearing on Mother’s motion. The court granted the motion and issued a Show Cause Order to Father. The order required Father to show cause on or

before August 9, 2024, why the Emergency relief requested by Mother should not be granted. This order was entered by the circuit court on June 18, 2024. Then, on August 16, 2024, the court held a show cause hearing where it vacated temporary custody.

It is thus apparent from the record that a temporary custody order, granting sole legal and physical custody to Mother, was in place from June 18, 2024, to August 16, 2024. During this time, Father had no right to visitation with the minor child, and Mother was under no obligation to facilitate such access. Therefore, the circuit court did not err or abuse its discretion in denying Father’s third and fourth petitions for contempt.

II. Father Failed to Preserve for Appellate Review his Contention that the Circuit Court Violated his Due Process Rights

“Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]” Md. Rule 8–131(a). The purpose of the preservation requirement is to “prevent[] unfairness and requir[e] that all issues be raised in and decided by the trial court[.]” *Conyers v. State*, 354 Md. 132, 150 (1999). “Put another way, the rule exists ‘to prevent “sandbagging” and to give the trial court the opportunity to correct possible mistakes in its rulings.’” *Peterson v. State*, 444 Md. 105, 126 (2015) (quoting *Bazzle v. State*, 426 Md. 541, 561 (2012)); see also *Jordan v. State*, 246 Md. App. 561, 586 (2020) (“[T]he intended beneficiary of the preservation requirement is the trial judge.”). “An appeal is not an opportunity for parties to argue the issues they forgot to raise in a timely manner at trial.” *Peterson*, 444 Md. at 126.

While this Court may “address the merits of an unpreserved issue,” that discretion “is to be rarely exercised and only when doing so furthers, rather than undermines, the purposes of the rule.” *Robinson v. State*, 410 Md. 91, 104 (2009). “The purposes of Rule 8–131(a) are furthered in ‘cases where prejudicial error was found and the failure to preserve the issue was not a matter of trial tactics.’” *Peterson*, 444 Md. at 126 (quoting *Grandison v. State*, 425 Md. 34, 69–70 (2012)). “We usually elect to review an unpreserved issue only after it has been thoroughly briefed and argued[.]” *Conyers*, 354 Md. at 151.

Here, Father raises for the first time on appeal his objection to the circuit court’s modification of its 2023 Custody Order. He argues that the circuit court violated his due process rights by requiring him to participate in two mediation sessions before filing another petition for contempt. However, when the circuit court announced this modification to the custody order at the contempt hearing, Father did not raise any objection to it. Additionally, in his brief to this Court, Father cites no legal authority for his position. “It is not our function to seek out the law in support of a party’s appellate contentions.” *Anderson v. Litzenberg*, 115 Md. App. 549, 578 (1997). Father may not now “rely on this Court, or any reviewing court, to do [his] thinking for [him] after the fact.” *Peterson*, 444 Md. at 126 (quoting *Grandison*, 425 Md. at 70).

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