

Circuit Court for Prince George's County  
Case No. C-16-FM-24-811350

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 2016

September Term, 2024

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EMMANUEL IFEAGWU

v.

CHIDINMA IFEAGWU

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Berger,  
Tang,  
Sharer, J. Frederick  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Tang, J.

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Filed: May 19, 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).

This appeal arises from the entry of a final protective order by the Circuit Court for Prince George’s County against appellant Emmanuel Ifeagwu (“Father”). Based on the evidence presented at the hearing, the court issued a final protective order in favor of appellee Chidinma Ifeagwu (“Mother”), granting her custody of the parties’ children, among other relief. Father, *pro se*, presents two questions for our review, which we have rephrased:<sup>1</sup>

1. Did the court err in denying Father access to the report prepared by the Department of Social Services and relying on hearsay contained in the report?
2. Did the court err in refusing to consider Father’s video evidence?

For the reasons explained below, we affirm the judgment of the circuit court.

### **BACKGROUND**

On October 11, 2024, Mother filed a petition for a protective order on behalf of herself and the parties’ three children, who were then six years old, two years old, and two months old. The petition alleged that Father had threatened Mother and assaulted both her and the children. A few days later, Father filed a cross-petition for a protective order on

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<sup>1</sup> The questions presented in Father’s brief are:

1. Did the trial court err in Relying on a DSS Hearsay Report in Finding [Father] Guilty of Domestic Violence?
2. Did the trial court violate [Father’s] due process rights by refusing to consider exculpatory video evidence and denying him access to the DSS report?

behalf of himself and two of the children. In his petition, he claimed that on September 30, Mother had assaulted Father and threatened to harm the children.

The circuit court issued temporary protective orders for both parties and referred the case to the Prince George’s County Department of Social Services (“DSS”) to investigate the alleged child abuse. *See* Md. Code Ann., Family Law Article § 4-505(e). A DSS social worker interviewed the parties and the oldest child, prepared a report summarizing the interviews, and filed the report with the court.

The court scheduled a final protective order hearing on both petitions for November 22.

### **Mother’s Petition**

At the final protective order hearing, Father appeared *pro se*, and Mother appeared with counsel. The court distributed copies of the DSS report but required the parties to return the copies after they reviewed them.

Mother testified that on more than ten occasions since mid-August, between midnight and 4:00 a.m., Father came upstairs to Mother’s bedroom where she and the children were sleeping. In response to this behavior, Mother purchased a lock for the bedroom. When Father was unable to get into the room, he “ferociously” banged on the door. Mother eventually opened the door, after which he shook the children awake, causing them to cry. Mother recounted another incident and other circumstances that made her feel unsafe, which led her and the children to leave the home from September 30 to October 11. While all of this was happening, Father stated that the children and everything in the house

belonged to him. He threatened to “make [her] life a living hell” and to “make [her] feel pain beyond [her] imagination” because she filed for divorce.

Father denied engaging in the conduct that Mother described. To challenge Mother’s testimony and demonstrate that he did not threaten her, Father played a video from 7:12 p.m. on September 27 on his cell phone, which the court reviewed. He supported the video with testimony, stating that he did not bang on the door; instead, the video showed him waiting for Mother to open it.

### **Father’s Petition**

The court then turned to Father’s petition for a protective order and inquired about his reasons for filing it against Mother. Father explained that he had another video, which depicted Mother’s conduct on September 30, the date alleged in his protective order. He proffered that the video showed Mother hitting him, kicking him, and “do[ing] all kinds of things.”

Father requested permission to use the court’s computer to connect his flash drive and play the video. However, the court declined his request, explaining that it could not use the judiciary computer for that purpose. The court stated that he needed to use his own device “because I cannot have something affect the entire State of Maryland.” The court confirmed that Father did not have a device to play the video and stated that the video was not in evidence. Father did not present any other evidence in support of his petition.

### **Court’s Rulings**

At the conclusion of the hearing, the court granted Mother’s final protective order. The court stated that it heard “contradictory stories” about the banging on the door and could not reach any conclusion based solely on the evidence presented by the parties. However, it reviewed the DSS report that summarized the oldest child’s account of witnessing altercations between the parties. Based on this, the court found, by a preponderance of the evidence, that Father committed second-degree assault.

The court entered a final protective order effective through November 22, 2025. The order prohibited Father from specific locations, including the family’s residence, which he was ordered to vacate. Additionally, Father was prohibited from abusing, threatening to abuse, contacting, attempting to contact, or harassing Mother. The court awarded Mother custody of the children through the duration of the order.

The court denied Father’s petition for failure to meet his burden of proof.

Father noted an appeal from the order granting Mother’s petition for a protective order, but he did not appeal from the order denying his petition.

### **DISCUSSION**

Father raises two challenges regarding the court’s order granting Mother’s petition for a protective order. The first challenge concerns the court’s reliance on the DSS report. The second challenge pertains to his inability to play the video on his flash drive. Central to both challenges is the claim that the court violated his due process rights. We will address each challenge in turn.

A.

**DSS Report**

Father presents two arguments concerning the DSS report. First, he contends that the court erred in refusing to allow him to review the DSS report while permitting Mother and her attorney to access it. Second, he claims that the court erred in relying on the DSS report when granting Mother’s petition for a final protective order, as the report contained hearsay.

Father’s first claim lacks merit. The record shows that the court provided copies of the DSS report to the parties. The court merely stated that it would not permit the parties to keep the report. The following exchanges illustrate this, and it also shows that Father never complained that he was not shown a copy of the report:

THE COURT: . . . The [c]ourt has reviewed the DSS report. Have you seen the report?

[MOTHER’S COUNSEL]: No, we have not, Your Honor.

THE COURT: Okay. Only attorneys are allowed to see the report. They don’t share the reports with their clients. And because you’re not represented, you are not able to review the report. . . .

The court clarified its statement regarding the attorney’s ability to “share” the DSS report with his client. Specifically, the court indicated that attorneys are not permitted to provide their clients with a copy of the report to keep:

THE COURT: And when I said share, I meant share, give. . . . That’s what I meant when I said share. Yes, you will go over it obviously with your client -- yes, I meant share as in give.

Mother’s attorney stated that he would not have any objection to Father reviewing the report. The court announced that it would provide “two copies of the report so you both can go look over it.” Additionally, the court indicated that it would allow “[a]s much time as you need” to review the report and allowed the parties to “step outside” to do so. The court stated that it was “distributing the copies” and would “get them back once you return into the courtroom.” The transcript of the hearing indicates that the court recessed for twelve minutes before the parties reconvened in the courtroom. The court asked Father if he needed more time to review the report and then requested that he return the copy:

THE COURT: Do you need additional time, sir?

[FATHER]: No, no, I’m okay.

THE COURT: Okay. All right. So are we -- you’re ready to proceed to the hearing? Sir, are you ready to proceed?

[FATHER]: Yes, ma’am.

THE COURT: Yes, ma’am. I just need the reports back. Sir, I need the report. You can give it to the bailiff. Thank you.

Contrary to Father’s claim, the record indicates that the court provided him with a copy of the DSS report. He had the chance to review it and did not require any additional time. Therefore, Father’s claim that he was not allowed to review the DSS report is unsubstantiated.<sup>2</sup>

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<sup>2</sup> Mother’s brief attached an affidavit from her trial counsel, in which counsel attests that Father received a copy of the DSS report to review before the court received testimony during the final protective order hearing. Because this affidavit is not part of the record, we do not consider it. *See Rollins v. Cap. Plaza Assocs., L.P.*, 181 Md. App. 188, 200 & n.7

Father’s second challenge to the DSS report is not preserved. Objecting to a trial court’s ruling is generally a prerequisite to raising that issue on appeal. *See* Md. Rule 8-131(a) (“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 . . .”). “Error may not be predicated upon a ruling that admits . . . evidence unless the party is prejudiced by the ruling, and . . . a timely objection or motion to strike appears of record . . .” Md. Rule 5-103(a)(1). “An objection to the admission of evidence shall be made at the time the evidence is offered *or as soon thereafter as the grounds for objection become apparent*. Otherwise, the objection is waived.” Md. Rule 2-517(a) (emphasis added). A party does not need to formally object to preserve an issue. However, a party must at least inform the court of “the action that the party desires the court to take . . .” Md. Rule 2-517(c); *see Caviness v. State*, 244 Md. 575, 578 (1966) (“[U]nless a defendant makes timely objections in the lower court *or makes his feelings known to that court*, he will be considered to have waived them and he can not [sic] now raise such objections on appeal.” (emphasis added)).

Evidently, the court had accepted the DSS report as evidence under Maryland Rule 5-803(b)(8)(A)(iv), which makes the “factual findings” contained in an investigative DSS report, like the one at issue here, admissible in a final protective order hearing. *See* Md. Rule 5-803(b)(8)(A)(iv) (permitting a “report . . . made by a public agency . . . in a final

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(2008) (refusing to consider documents that were not part of the record compiled in the trial court). In any event, the hearing transcript reflects that the court gave Father a copy of the report to review.

protective order hearing . . . [setting forth] factual findings reported to a court[,] . . . provided that the parties have had a fair opportunity to review the report,” to be admitted into evidence as an exception to the rule against hearsay even when the declarant is available as a witness). However, Father did not object to the court’s reliance on the DSS report at the time the court indicated that it had read and was relying on it in granting Mother’s final protective order. Because the claim is not preserved, we shall not consider it.

**B.**

**Video Evidence on Flash Drive**

Father argues that the court erred in “refus[ing] to consider video evidence that contradicted [Mother’s] claims, solely because it was on a flash drive.” (emphasis omitted). This is the extent of Father’s argument on the matter. The issue is not properly before us for two reasons.

First, Father’s contention is not adequately briefed. Maryland Rule 8-504(a)(6) requires that a brief shall contain “[a]rgument in support of the party’s position on each issue.” “[A]rguments not presented in a brief or not presented with particularity will not be considered on appeal.” *Klaunberg v. State*, 355 Md. 528, 552 (1999). As we have previously stated, “[a] single sentence is insufficient to satisfy [Rule 8-504(a)]’s requirement.” *Silver v. Greater Balt. Med. Ctr., Inc.*, 248 Md. App. 666, 688 n.5 (2020). It is not our “responsibility to attempt to fashion coherent legal theories to support [an] appellant’s sweeping claims,” *Elecs. Store, Inc. v. Cellco P’ship*, 127 Md. App. 385, 405

(1999); nor is it “our function to seek out the law in support of a party’s appellate contentions.” *Anderson v. Litzenberg*, 115 Md. App. 549, 578 (1997).

Second, the video at issue pertains to the denial of Father’s petition, which is not before us in this appeal. As stated, Father attempted to introduce the video to support his petition against Mother. The court denied Father’s petition, and he chose not to appeal the decision. Therefore, the propriety of the court’s refusal to consider this video is not before us in this appeal.

To the extent that Father claims the video was relevant to contradict Mother’s testimony concerning *her* petition, the argument is not preserved. Maryland Rule 5-103(a)(2) provides that error may not be predicated upon a ruling that excludes evidence unless “the substance of the evidence was made known to the court by offer on the record or was apparent from the context within which the evidence was offered.” This means that “a formal proffer of the contents *and relevancy* of the excluded evidence must [have been] made in order to preserve for review the propriety of the trial court’s decision to exclude the subject evidence.” *Merzbacher v. State*, 346 Md. 391, 416 (1997) (emphasis added). Unlike the September 27 video presented by Father, which he proffered was aimed at contradicting Mother’s testimony in connection with her petition, Father did not make a similar proffer at the hearing about the video on the flash drive. Consequently, the claim is not preserved for our review.

C.

**Violation of Due Process**

Finally, throughout his brief, Father framed the above arguments as violations of his due process rights. However, Father never objected at the hearing below to any issue on due process grounds. Accordingly, his reliance on due process is not preserved. *See, e.g., B. O. v. S. O.*, 252 Md. App. 486, 519–20 (2021) (holding that due process issue was not preserved for appellate review because the appellant failed to object after circuit court rulings excluding her from the case).

For the reasons stated, we shall affirm the judgment of the circuit court.

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