

Circuit Court for Wicomico County
Case No.: C-22-FM-21-000879

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2200

September Term, 2022

RONALD B. HOLLIS

v.

ANGELINE HOLLIS

Graeff,
Reed,
Taylor, Robert K., Jr.
(Specially Assigned),

JJ.

Opinion by Reed, J.

Filed: September 28, 2023

*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).

In 2021, Ronald B. Hollis, appellant, filed for divorce from Angeline Hollis, appellee, in the Circuit Court for Wicomico County.¹ On August 25, 2022, as a result of those proceedings, the circuit court entered a Judgment of Absolute Divorce. Neither party timely appealed that judgment.²

On January 17, 2023, and January 26, 2023, appellant filed papers in the circuit court ostensibly seeking to have appellee held in contempt asserting that she had earlier committed perjury in connection with the divorce proceedings.³ In those papers, appellant requested, *inter alia*, that the court rescind and/or vacate the orders for “pension” and “alimony” and to correct the “gross errors and awards granted to [appellee].” His January 26, 2023, paper concludes with the request that the circuit court “vacate the judgement [sic] awarded to [appellee] and hold her in contempt for perjury and making a mockery of our court systems.”

On January 26, 2023, the circuit court entered an order denying appellant’s paper filed on January 17, 2023. The circuit court’s order stated as follows:

Pursuant to Rule 15-206,^[4] the Court has reviewed this petition and finds it to be “frivolous on its face;” it is a complaint mainly attacking the Court’s

¹ It appears that, at all times relevant, appellant acted *pro se* in this case. We have liberally construed appellant’s *pro se* papers. *See Simms v. Shearin*, 221 Md. App. 460, 480 (2015) (noting that we generally liberally construe papers filed by *pro se* litigants).

² Approximately two months after the entry of the judgment of divorce, appellee filed a petition for contempt asserting that appellant had not complied with the divorce decree. On January 13, 2023, after holding a hearing on the matter, the circuit court entered an order dismissing appellee’s petition without prejudice.

³ Appellant’s January 26, 2023, paper appears to be an amendment to his January 17, 2023, paper.

⁴ Maryland Rule 15-206 relates to constructive civil contempt proceedings.

rulings contained in a Judgment of Absolute Divorce that was filed August 25, 2022. (The relief requested includes, *inter alia*, ... “Court did not consider certain facts...” [Court should] “vacate the judgment” [and] “correct gross errors and awards...” Per Rule 15-206 and based upon the Court’s review of this paper and attachments, the docket, contents of the file, and Judgment of Divorce filed 8/25/22, the Court denies the issuance of any order related to this request

Thereafter, on February 14, 2023, the circuit court summarily denied appellant’s January 26, 2023, paper. Appellant then noted an appeal.⁵ In his informal brief, he raises the following questions for our review:

1. Whether the Circuit Court erred and abused its discretion by failing to dismiss appellee’s counterclaim for alimony for failure to submit required documentation for the appellant’s defense and by not holding the appellee and her attorney in contempt of court for perjury.

2. Whether the Circuit Court erred and abused its discretion in awarding the appellee alimony, when the appellee was already self-supporting.

3. Whether the Circuit Court erred by failing to consider the appellee’s financial resources in this case and abused its discretion by granting the appellee a portion of the appellant’s retirement and \$500 monthly alimony award based on no factual evidence and on perjurious testimony.

4. Whether the Circuit Court erred and abused its discretion by including all 27 years of the appellant’s retirement as marital property when calculating for a 65-year marriage and not finding that the appellees retirement plans are marital property, which has monetary value and can be part of the basis for considering financial resources of the appellee.

5. Whether the Circuit Court erred by not granting the appellant’s motion thereby, not holding the appellee and her attorney in contempt of court for perjury and not vacating the judgment.

⁵ Appellant’s notice of appeal does not specify the order(s) from which he is appealing. He, however, indicated in his Civil Appeal Information Report, filed in this Court on February 21, 2023, that he sought to appeal the denial of both his January 17 and January 26 papers.

For the reasons explained below, to the extent that appellant is appealing the August 25, 2022, Judgment of Absolute Divorce, we do not review his questions presented because his notice of appeal was not filed within 30 days of the entry of that judgment, and to the extent that appellant is appealing the denial of his petition for contempt, we dismiss his appeal as not permitted by law.

As the circuit court noted, much, if not all, of the arguments in appellant’s papers filed in the circuit court were devoted to attacking the Absolute Judgment of Divorce filed on August 25, 2022. The same is true of his brief filed in this Court. For an appeal to be timely, unless otherwise provided, an appellant must file a notice of appeal within 30 days after entry of judgment. Md. Rule 8-202(a).⁶ Appellant did not timely appeal the August 25, 2022, Judgment of Absolute Divorce because he did not note an appeal within 30 days after entry of that judgment. He noted his appeal to this Court on February 15, 2023. Therefore, we do not review the questions presented by Appellant that are directed toward the lawfulness of that judgment. All that remains, therefore, is appellant’s contention that the circuit court erred in not holding appellee in contempt.

Section 12-304 of the Courts & Judicial Proceedings Article of the Maryland Code⁷

⁶ Maryland Rule 8-202(a) provides in pertinent part:

(a) *Generally*. Except as otherwise provided in this Rule or by law, the notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken.

⁷ Section § 12-304 of the Courts article, titled “Appeal of contempt findings,” provides as follows:

(continued)

“clearly and unambiguously limits the right to appeal in contempt cases to persons adjudged in contempt[.]” *Pack Shack, Inc. v. Howard Cnty.*, 371 Md. 243, 254 (2002). Therefore, a “party that files a petition for constructive civil contempt does not have a right to appeal the trial court’s denial of that petition.” *Id.* at 246. We, therefore, lack the jurisdiction to entertain appellant’s appeal from the circuit court’s denial of his request to have appellee held in contempt.

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.

In general

(a) 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.

Violation of interlocutory orders for payment of alimony

(b) This section does not apply to an adjudication of contempt for violation of an interlocutory order for the payment of alimony.