

MICHELLE WALTON

v.

DARREL CRONKHITE

Submitted on Briefs August 29, 2012  
Decided September 20, 2012

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,  
GORMAN, and JABAR, JJ.

#### MEMORANDUM OF DECISION

Darrel Cronkhite appeals from the judgment of the District Court (Dover-Foxcroft, *Campbell, J.*) granting a protection from abuse order, 19-A M.R.S. § 4007 (2011), in favor of Michelle Walton, but denying her request for a protection from abuse order in favor of the parties' child. On appeal, Cronkhite contends that the court erred in (1) proceeding with the hearing when Walton failed to produce cellphone records and a child visitation notebook previously ordered in a different court proceeding and subpoenaed by Cronkhite, and (2) allowing and apparently believing testimony and documentary evidence that Cronkhite asserts was not credible. While Cronkhite has failed to provide an appendix in support of his appeal, as required by M.R. App. P. 8, and the appeal could be dismissed based on the failure to provide an appendix, *see State v. Dominique*, 2011 ME 18, ¶ 1, 12 A.3d 53, we elect to reach the merits of the appeal. Based on review of the record, the decision to proceed to hearing, although certain subpoenaed materials had not been provided, was well within the range of the trial court's discretion, and Cronkhite has not demonstrated that the trial court's discretion was abused. *See, e.g., Dolliver v. Dolliver*, 2001 ME 144, ¶¶ 10-12, 782 A.2d 316. Cronkhite's other objections go primarily to the credibility of certain evidence, which is an issue that is within the trial court's province to

decide. Reviewing the record, there is sufficient evidence to support the trial court's judgment issuing a protection from abuse order in favor of Walton. *See Sloan v. Christianson*, 2012 ME 72, ¶ 33, 43 A.3d 978 (indicating that the weight or credibility of evidence is for the trial court to decide).

The entry is:

Judgment affirmed.

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**On the briefs:**

Darrel Cronkhite, appellant pro se

Michelle Walton did not file a brief