

SARAH F. VAN TUINEN

v.

JACOB W. VAN TUINEN

Submitted on Briefs June 27, 2012

Decided July 19, 2012

Panel: ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Jacob W. Van Tuinen appeals from an order for protection from abuse, 19-A M.R.S. § 4007 (2011), entered against him in the District Court (Rumford, *Driscoll, J.*) in response to the complaint filed by Sarah F. Van Tuinen. On appeal, Jacob contends that the court should not have believed the evidence offered by Sarah in support of her position and the court erred in finding abuse, pursuant to 19-A M.R.S. § 4002(1) (2011), based on the facts presented to it. Contrary to Jacob's contentions, the evidence supports the court's finding of abuse by a preponderance of the evidence. *See Preston v. Tracy*, 2008 ME 34, ¶¶ 10-11, 942 A.2d 718. Therefore, the court did not err in granting the final order for protection from abuse against Jacob. Additionally, the court did not abuse its discretion in entering that order by default, based on its finding that Jacob behaved contemptuously in the courtroom. *See Millett v. Dumais*, 365 A.2d 1038, 1040 (Me. 1976) (stating that a default judgment may be appropriate where the record indicates contumacious conduct).

Furthermore, contrary to Jacob's contentions, the court did not err in denying his request that he be permitted to personally record the hearing. *See Cameras and Audio Recording in the Courtroom*, Me. Admin. Order JB-05-15 (effective Sept. 19, 2011) (providing that audio recording of proceedings for

protection from abuse is not permitted unless all parties and the court agree). We are likewise not persuaded by Jacob's additional arguments.

The entry is:

Judgment affirmed.

On the briefs:

Jacob W. Van Tuinen, appellant pro se

Heather S. Walker, Esq., Douglas, Denham, Buccina & Ernst, Portland, for
appellee Sarah F. Van Tuinen

Rumford District Court docket number PA-2011-153
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