

VANESSA D. FLORENCIO

v.

JOSEPH J. FLORENCIO JR.

Submitted on Briefs July 25, 2012
Decided August 2, 2012

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

MEMORANDUM OF DECISION

Joseph J. Florencio Jr. appeals from the divorce judgment entered by the District Court (Lincoln, *Stitham, J.*) following a trial. On appeal, Joseph contends that the court erred in its findings of fact and abused its discretion in allocating parental rights and responsibilities, including residency, establishing a schedule for visitation with the children, and dividing marital property and debt. Vanessa D. Florencio contends that the appeal is frivolous and requests costs and attorney fees. Each of the points Joseph raises on appeal requires review of the record to determine the validity of claims in Joseph's brief and whether findings are unsupported by the record or whether the court erred in making discretionary decisions. Joseph has not provided a transcript to support his appeal. Accordingly, we must infer that all of the factual decisions, discretionary determinations, and remedies based thereon, ordered by the court are supported by the record at trial. *See Rainbow v. Ransom*, 2010 ME 22, ¶ 3, 990 A.2d 535. Because there is no transcript of the proceedings at trial, the judgment of the court must be affirmed.

In any action for divorce, including an appeal, the trial court may, in its discretion, award attorney fees and costs. 19-A M.R.S. § 105(1), (2) (2011). The matter will be remanded to the District Court for determination of whether, based

on the circumstances of the parties, Vanessa should be entitled to her attorney fees and costs for defending this appeal.

The entry is:

Judgment affirmed. Remanded for the District Court to determine entitlement to any attorney fees and costs on appeal.

On the briefs:

Joseph J. Florencio, appellant pro se

Patricia R. Locke, Esq., Lincoln, for appellee Vanessa D. Florencio