

NORELLA MEERZON

v.

DOMINGOS NOBREGA

Submitted on Briefs September 26, 2013

Decided October 15, 2013

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

MEMORANDUM OF DECISION

Domingos Nobrega appeals from a civil judgment entered by the Superior Court (Penobscot County, *Cuddy, J.*) awarding Norella Meerzon \$20,000 in damages for assault and battery, and imposing a constructive trust on Nobrega's vehicle. Because Nobrega did not file a transcript, appendix, or otherwise develop the record on appeal we accept the court's findings. *See Rainbow v. Ransom*, 2010 ME 22, ¶ 3, 990 A.2d 535 ("Because [the appellant] did not provide us with a transcript of the hearing below, we must assume that the record would support the trial court's findings and evidentiary rulings."). Contrary to Nobrega's contention, the findings reflect that he was given notice of the hearing and the opportunity to be heard by telephonic appearance pursuant to M.R. Civ. P. 43(a), and in accord with the Due Process Clause of the Fourteenth Amendment. *See Morrison v. Sawyer*, 2011 ME 136, ¶ 8, 33 A.3d 432 ("A trial participant need not always appear in person in court to assure that his or her rights to a hearing are respected."). We find no constitutional infirmities.

The entry is:

Judgment affirmed.

On the briefs:

Domingos Nobrega, appellant pro se

Stephen C. Smith, Esq., Bangor, for appellee Norella Meerzon

Penobscot County Superior Court docket number CV-2011-48
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