

PHILIP E. McCARTHY

v.

FRANK J. KELLY

Submitted On Briefs April 25, 2013

Decided May 7, 2013

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

MEMORANDUM OF DECISION

Philip E. McCarthy appeals from a judgment of the District Court (Ellsworth, *Romei, J.*) denying his complaint for a protection from harassment order against Frank J. Kelly. Contrary to McCarthy's assertions, the court did not err in declining to enter a protection from harassment order. *See* 5 M.R.S. §§ 4651(2), 4654(1) (2011);¹ M.R. Evid. 401-403, 404(b); *St. Louis v. Wilkinson Law Offices, P.C.*, 2012 ME 116, ¶ 16, 55 A.3d 443; *Dowling v. Bangor Hous. Auth.*, 2006 ME 136, ¶ 13, 910 A.2d 376; *In re Rachel J.*, 2002 ME 148, ¶ 17, 804 A.2d 418. Nor did the court err in determining that McCarthy's complaint was frivolous and awarding costs and attorney fees to Kelly. *See* 5 M.R.S. § 4655(1-A) (2012); *Fed. Nat'l Mortg. Assoc. v. Bradbury*, 2011 ME 120, ¶ 11, 32 A.3d 1014.

In his appellate brief, McCarthy asserts that the trial judge was "hostile," "argumentative," "prejudiced," and "impatient," and acted in a "contemptible," "rude, and angry manner. A thorough review of the record plainly demonstrates that these allegations are baseless. The record shows that the trial judge conducted

¹ Title 5 M.R.S. § 4651(2) has been amended since the relevant time. *See* P.L. 2011, ch. 559, §§ C-1, C-2 (effective Aug. 30, 2012) (codified at 5 M.R.S. § 4651(2) (2012)).

the proceedings in a fair, respectful, and unbiased manner, and demonstrated great patience and professionalism in the face of McCarthy's own obstreperous conduct.

The entry is:

Judgment affirmed.

On the briefs:

Philip E. McCarthy, appellant pro se

Barry K. Mills, Esq., Hale & Hamlin, LLC, Ellsworth, for appellee
Frank J. Kelly