

BELINDA S. NABOROWSKY

v.

BRIAN E. NABOROWSKY

Submitted on Briefs April 29, 2014
Decided May 8, 2014

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

MEMORANDUM OF DECISION

Brian E. Naborowsky appeals from a protection from abuse order entered in the District Court (Waterville, *Stanfill, J.*) on a complaint filed by his ex-wife, Belinda S. Naborowsky. Contrary to Brian's contentions, the court issued the protection from abuse order after making a finding supported by competent evidence in the record that he abused Belinda. *See* 19-A M.R.S. § 4002(B), (F) (2013); *O'Brien v. Weber*, 2012 ME 98, ¶ 9 n.2, 48 A.3d 230 (noting that prior acts of abuse may be relevant to demonstrate a defendant's "motive or intent by showing that a more recent act is part of a pattern of abusive conduct"); *Smith v. Hawthorne*, 2002 ME 149, ¶ 16, 804 A.2d 1133 (stating that a trial court's factual findings are reviewed for clear error).

Furthermore, the court was not obligated to find that Brian posed a credible threat to the physical safety of the parties' children in order to temporarily modify his rights of contact with the children. *See* 19-A M.R.S. § 4007(1)(G) (2013); *L'Heureux v. Michaud*, 2007 ME 149, ¶ 10, 938 A.2d 801 (concluding that the "credible threat" language included in 19-A M.R.S. § 4007(1) "is to be used in protection from abuse orders for the purpose of supporting a firearms prohibition provision in an order based on a finding of abuse").

The entry is:

Judgment affirmed.

On the briefs:

Jed Davis, Esq., Jim Mitchell and Jed Davis, P.A., Augusta, for
appellant Brian Naborowsky

Belinda Naborowsky, pro se appellee