

MARIA B. FLEMING

v.

LARRY L. FLEMING

Submitted on Briefs November 29, 2016
Decided December 13, 2016

Panel: SAUFLEY, C.J., ALEXANDER, MEAD, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Larry L. Fleming appeals from a divorce judgment entered by the District Court (Dover-Foxcroft, *Jordan, J.*), valuing and dividing marital property, declining to award attorney fees, and awarding child support. In this appeal, Larry Fleming seeks review of alleged errors committed by the District Court regarding the court's (1) factual findings pertaining to property and business values; (2) overall distribution of the marital business; (3) determinations of expert witness credibility; and (4) decision not to award attorney fees and costs.

Because Larry Fleming is asserting that the record is insufficient to support the District Court's findings and conclusions, our rules required him to provide a transcript of the divorce proceedings to enable us to address his arguments regarding unsupported conclusions and insufficient evidence. *See* M.R. App. P. 5(b)(2).

While Larry Fleming did provide a portion of the trial transcript pertaining to the expert witness testimony he sought to challenge, the transcript is incomplete and does not contain the full testimony of either

expert witness. In fact, the transcript only provides testimony and evidence from one day of the three-day hearing. In the absence of an adequate transcript—as is the case here—on review, we will assume that the court’s conclusions based on the court’s factual findings are supported by competent evidence in the record. *See Rainbow v. Ransom*, 2010 ME 22, ¶ 3, 990 A.2d 535. Based on the factual findings, Larry Fleming has not demonstrated that the court abused its discretion in its assessment of witness credibility, its division of marital property, or its decision not to award him attorney fees or expert costs. *See Viola v. Viola*, 2015 ME 6, ¶ 9, 109 A.3d 634; *Gordon v. Cheskin*, 2013 ME 113, ¶ 12, 82 A.3d 1221; *Ellis v. Ellis*, 2008 ME 191, ¶¶ 26-27, 962 A.2d 328.

The entry is:

Judgment affirmed.

On the briefs:

Larry L. Fleming, appellant pro se

Kenneth Lexier, Esq., Mills, Shay, Lexier & Talbot, P.A.,
Skowhegan, for appellee Maria B. Fleming