

AYA ALAMIN HAJ ALKHD AIR

v.

ELMUATZ ABDELRAHIM

Submitted on Briefs September 27, 2017
Decided October 5, 2017

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

MEMORANDUM OF DECISION

Elmuatz Abdelrahim appeals from a judgment of the District Court (Portland, *Darvin, J.*) finding that he abused Alkhdaire, and issuing a protection from abuse order against him for a period of two years. *See* 19-A M.R.S. § 4005(1) (2016). The protection from abuse statute specifically includes within the definition of “abuse” “[a]ttempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, chapter 11” 19-A M.R.S. § 4002(1)(A) (2016). Here, the court found that Abdelrahim’s actions constituted assaults upon Alkhdaire. Despite Abdelrahim’s argument that there was insufficient evidence to support a finding of abuse given the differing versions of events testified to by himself and Alkhdaire, credibility determinations and resolution of conflicting testimony are tasks within the province of the trial court as fact-finder. *See Gordon v. Cheskin*, 2013 ME 113, ¶ 12, 82 A.3d 1221 (stating that we will defer to the trial court’s determination of witness credibility and to its resolution of conflicts in testimony).

The evidence indicates that Abdelrahim, a friend of Alkhdaire's family, helped care for her while she was convalescing following a head injury received in an auto accident. At the time, she was age twenty, and he was age forty-six. Alkhdaire testified that, on several occasions, while Abdelrahim was caring for her, he assaulted her, sometimes while she was sedated and completely unable to defend herself. The court believed Alkhdaire and found Abdelrahim's testimony not credible. Because Abdelrahim did not move for additional findings pursuant to M.R. Civ. P. 52, we assume that the court made all of the necessary findings to support its judgment, *see Pelletier v. Pelletier*, 2012 ME 15, ¶ 20, 36 A.3d 903, and the record in this case supports the court's express and implied findings, *see Gehrke v. Gehrke*, 2015 ME 58, ¶ 8, 115 A.3d 1252.

The entry is:

Judgment affirmed.

Peter M. McGee, Esq., South Portland, for appellant Elmuatz Abdelrahim

Caroline Y. Jova, Esq., Pine Tree Legal Assistance, Portland, for appellee Aya Alamin Haj Alkhdaire