

MARISA LEVESQUE

v.

COREY WHITE SR.

Submitted on Briefs April 25, 2018
Decided May 3, 2018

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

MEMORANDUM OF DECISION

Corey White Sr. appeals from a judgment of the District Court (Presque Isle, *O'Mara, J.*) finding that he abused his child and entering a protection from abuse order against him. *See* 19-A M.R.S. § 4002 (2017). Contrary to White's contention, the court did not abuse its discretion when it held a hearing on the protection from abuse complaint despite the absence of an attorney who had been appointed to represent White in a separate criminal matter. White had not retained the attorney, the attorney had not entered an appearance in the case, and White did not present a substantial reason why the hearing should be continued. *See Daud v. Abdullahi*, 2015 ME 48, ¶ 12, 115 A.3d 77. To the extent that White raises a due process challenge, he has not shown how the denial of a continuance resulted in prejudice to his substantial rights. *See In re A.M.*, 2012 ME 118, ¶ 25, 55 A.3d 463. Finally, the evidence, including the photographs and the child's testimony, was sufficient to support the court's finding that White abused his son, and the court was free to reject White's allegation that the child was lying. *See Smith v. Hawthorne*, 2002 ME 149, ¶ 15, 804 A.2d 1133; *Sloan v. Christianson*, 2012 ME 72, ¶ 33, 43 A.3d 978.

The entry is:

Judgment affirmed.

Corey White Sr., appellant, pro se

Lisa R. Chase, Esq., Pine Tree Legal Assistance, Inc., Presque Isle, for appellee
Marisa Levesque

Presque Isle District Court docket number PA-2017-107
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