

RANDY D. SMITH

v.

BONNIE M. (SMITH) D'AMICO

Submitted on Briefs October 10, 2018  
Decided October 18, 2018

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

## MEMORANDUM OF DECISION

Randy D. Smith appeals from a judgment of divorce entered by the District Court (Springvale, *Moskowitz, J.*). In this appeal, he asserts that the court erred in its factual findings regarding property issues in the distribution of marital property. The parties had no minor children, no real estate, and very limited assets.

Even assuming that Randy would have presented in testimony the same facts that he set out in his opening argument, contrary to his contentions, after careful review of those statements and his written argument on appeal,<sup>1</sup> we

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<sup>1</sup> The court did initially explain to Randy that his opening statement was not evidence, but it did not remind Randy that he had the opportunity to present evidence through his own testimony at the conclusion of Bonnie's testimony. Although the court may not provide any "preferential treatment or . . . judicial accommodation" to either party, *Rinehart v. Schubel*, 2002 ME 53, ¶ 13, 794 A.2d 73, the court is authorized to explain process to unrepresented parties when it serves to enhance access to justice. *Id.* ¶ 14 (the court's "treatment of [the unrepresented litigant] was not only unbiased, but a model of how a judge should work with a pro se litigant within [the judge's] restricted role as the fact-finder").

conclude that the District Court did not abuse its discretion when it divided the marital property with respect to the parties' bank accounts, automobiles, personal property, and debt pursuant to 19-A M.R.S. § 953(1) (2017).<sup>2</sup> *See Viola v. Viola*, 2015 ME 6, ¶ 9, 109 A.3d 634.

The entry is:

Judgment affirmed.

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Randy Smith, appellant, pro se

Bonnie M. (Smith) D'Amico did not file a brief

Biddeford District Court docket number FM-2016-431  
FOR CLERK REFERENCE ONLY

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<sup>2</sup> Because Randy did not file a motion for additional findings of fact and conclusions of law pursuant to M.R. Civ. P. 52(b), "we will infer that the trial court made any factual inferences needed to support its ultimate conclusion." *Pelletier v. Pelletier*, 2012 ME 15, ¶ 20, 36 A.3d 903.