

THURIN G. BENNER

v.

KAROLYN B. JOHNSON

Submitted on Briefs June 26, 2019

Decided July 2, 2019

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

MEMORANDUM OF DECISION

Thurin G. Benner appeals from a judgment of the District Court (Rockland, *Sparaco, D.C.J.*) finding Karolyn B. Johnson in contempt in connection with proceedings stemming from the parties' 2009 divorce. Although the court found Johnson in contempt, Benner challenges the court's determination that Benner did not prove additional alleged grounds of contempt and the court's failure to award compensatory damages on those additional grounds. *See* M.R. Civ. P. 66(d). Contrary to Benner's contentions, the court was not compelled to find that Johnson cut down his cherry trees or that Benner was entitled to any damages beyond those already awarded.¹ *See Ma v. Bryan*, 2010 ME 55, ¶ 6, 997 A.2d 755. It was for the trial court alone to determine the weight and credibility of the evidence offered by Benner, and the court acted within its authority in disbelieving some of that evidence. *See*

¹ We do not address Benner's challenge to a 2016 arbitration decision; the District Court's (*Raimondi, J.*) confirmation of the arbitrator's decision has already been affirmed, *Benner v. Johnson*, Mem-17-56 (June 1, 2017), and it is no longer subject to review, *see Twin Island Dev. Corp. v. Ross*, 522 A.2d 901, 902 (Me. 1987).

Amero v. Amero, 2016 ME 150, ¶ 13, 149 A.3d 535; *Dionne v. LeClerc*, 2006 ME 34, ¶ 15, 896 A.2d 923.

The entry is:

Judgment affirmed.

Thurin G. Benner, appellant pro se

Karolyn B. Johnson, appellee pro se

Rockland District Court docket number FM-2008-167
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