

BRANDI (THOMPSON) SKELTON

v.

PHILLIP THOMPSON

Submitted on Briefs April 19, 2023  
Decided April 27, 2023

Panel: MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

## MEMORANDUM OF DECISION

Phillip Thompson appeals from a divorce judgment, entered by the District Court (Augusta, *Montgomery, J.*), granting the parties a divorce, awarding Brandi Skelton with sole parental rights and responsibilities, granting Skelton's request to change the last names of the parties' minor children, and denying Thompson's right of contact with respect to the parties' minor children. Contrary to Thompson's suggestion that the court's judgment is not final, we may consider the court's divorce and parental rights and responsibilities judgment in this appeal.<sup>1</sup> See M.R. Civ. P. 115(b). In doing so, we discern no clear error in the court's factual findings.<sup>2</sup> See *Gordon v. Cheskin*,

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<sup>1</sup> On this record, the court correctly determined that there were three contested issues remaining at the time of the final hearing in this action: (1) the allocation of decision-making authority for the welfare of the minor children; (2) Thompson's right of contact with the minor children; and (3) Skelton's request to change the names of the minor children. The record further supports the conclusion that the court gave the parties ample opportunity to be heard and to cross-examine the other party on these contested issues.

<sup>2</sup> We conclude that Skelton's testimony fell within an exception to the rule against hearsay. See M.R. Evid. 802, 803(3). Further, even if a hearsay exception did not apply, Thompson's

2013 ME 113, ¶ 12, 82 A.3d 1221; *Sullivan v. Doe*, 2014 ME 109, ¶ 15, 100 A.3d 171. Nor did the court abuse its discretion by allowing Skelton to decide Thompson's degree of contact with the children. *See Doe v. Walsh*, 2023 ME 2, ¶ 6, 288 A.3d 787; *Gordon*, 2013 ME 113, ¶ 18, 82 A.3d 1221. We also conclude that the court did not err in granting Skelton's request to change the children's last names. *See* 19-A M.R.S. §§ 103, 1653(2)(F) (2023).

Finally, although we agree with Thompson's contention that the court erred by not providing him signed, blank subpoenas after he requested them, *see* M.R. Civ. P. 45(a)(3), it is not clear from this record what his subpoenaed witnesses would have testified to nor how their testimony would have impacted the judgment. Thompson has, therefore, failed to demonstrate how the court's error affected his substantial rights. *See* M.R. Civ. P. 61; *Greaton v. Greaton*, 2012 ME 17, ¶ 4, 36 A.3d 913.<sup>3</sup>

The entry is:

Judgment affirmed.

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Phillip Thompson, appellant pro se

Appellee Brandi Skelton did not file a brief

Augusta District Court docket number FM-2022-136  
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substantial rights would not have been affected by the court's admission and consideration of Skelton's hearsay testimony. *See* M.R. Civ. P. 61.

<sup>3</sup> Thompson's remaining arguments are either unpreserved or unpersuasive and we do not address them. *See Richards v. Bruce*, 1997 ME 61, ¶ 8, 691 A.2d 1223; *Cyr v. Cyr*, 432 A.2d 793, 797-98 (Me. 1981); *Greaton v. Greaton*, 2012 ME 17, ¶ 4, 36 A.3d 913.