

PAT DOE¹

v.

JOEL STRUNK

Submitted on Briefs June 20, 2024
Decided June 27, 2024

Panel: STANFILL, C.J., and MEAD, HORTON, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Joel Strunk appeals from an order of the District Court (Rockland, *Gilbert, J.*) granting Pat Doe’s request for an order of protection from abuse. We conclude that there was sufficient evidence in the record to support the court’s findings by a preponderance of the evidence that Strunk abused and stalked Doe. *See* 19-A M.R.S. §§ 4102(1)(B), (E), 4103(1)(B)(1) (2023); 17-A M.R.S. § 210-A(1) (2023);² *Gehrke v. Gehrke*, 2015 ME 58, ¶¶ 11, 22, 115 A.3d 1252; *Childs v. Ballou*, 2016 ME 142, ¶¶ 23, 25-26, 148 A.3d 291; *Doe v. Tierney*, 2018 ME 101, ¶ 15, 189 A.3d 756 (“[I]n the absence of 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 necessary findings that would be supported by evidence in the record to support its ultimate conclusion.”); *Walton v.*

¹ Pursuant to federal law, we do not identify the plaintiff in this protection from abuse action and limit our description of events and locations to avoid revealing “the identity or location or the party protected under [a protection] order” as required by 18 U.S.C. § 2265(d)(3) (Westlaw through Pub. L. No. 118-64). *See Doe v. Tierney*, 2018 ME 101, n.1, 189 A.3d 756.

² Title 19-A M.R.S. § 4102(1) has since been amended. P.L. 2023, ch. 519, §§ 4-5 (emergency, effective March 6, 2024) (to be codified at 19-A M.R.S. § 4102(1)(B), (E)).

Ireland, 2014 ME 130, ¶ 24, 104 A.3d 883 (“[C]redibility determinations are exclusively within the province of the fact-finder”); *cf. Craig v. Caron*, 2014 ME 115, ¶¶ 4, 6, 10-11, 102 A.3d 1175.

Additionally, the presiding judge did not violate the Code of Judicial Conduct by both issuing a temporary order of protection from abuse against Strunk and adjudicating the final protection order. M. Code Jud. Conduct R. 2.11 advisory notes to 2015 amend. (“The fact that a judge has ruled against a party or has learned information adverse to a party in the proper course of judicial proceedings is not a basis for recusal.”).

The entry is:

Judgment affirmed.

Patricia V. Shadis, Esq., Patricia Shadis Law Office, P.A., Newcastle, for appellant Joel Strunk

Kelley E. Mellenthin, Esq., Lincolnville Center, for appellee Pat Doe