

GEORGE R. PROCTOR

v.

TAMMY LYNN GAUTHIER, f/k/a Tammy L. Proctor

Submitted on Briefs July 1, 2003  
Decided July 10, 2003

Panel: SAUFLEY, C.J., and RUDMAN, DANA, ALEXANDER, CALKINS, and  
LEVY, JJ.

MEMORANDUM OF DECISION

George Proctor appeals from a judgment of the District Court (Lewiston, *Lawrence, J.*) that granted Tammy Gauthier's counterclaim for divorce, awarded her sole parental rights and responsibilities for the parties' minor daughter, ordered him to pay child support, and divided the parties' marital property and debts. Contrary to Proctor's contention, determinations of witness credibility are within the sole province of the court as the trier of fact. *See Jenkins, Inc. v. Walsh Bros., Inc.*, 2001 ME 98, ¶ 22, 776 A.2d 1229, 1236-37. We find no legal error, abuse of discretion, or clearly erroneous factual findings in the divorce judgment. *See*

*Doucette v. Washburn*, 2001 ME 38, ¶ 7, 766 A.2d 578, 581. Proctor's allegations that Gauthier violated the divorce judgment are not cognizable in this appeal from that judgment, but must be raised in a proper motion before the District Court. *See* 19-A M.R.S.A. § 1653(7) (1998); M.R. Civ. P. 80(k), (m).

The entry is:

Judgment affirmed.

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For plaintiff:

George R. Proctor  
11 Frenchette Street  
Lewiston, ME 04240

Attorney for defendant:

Jennifer Nichols Ferguson, Esq.  
Fales & Fales, P.A.  
P O Box 889  
Lewiston, ME 04243-0889