

MELINDA S. STEVENS

v.

MARK A. LEVESQUE

Submitted on Briefs September 2, 2003
Decided September 10, 2003

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

MEMORANDUM OF DECISION

Mark A. Levesque appeals from the judgment entered in the District Court (Augusta, *French, J.*) holding him in contempt and ordering him to serve thirty days in jail for intentionally and willfully disobeying the court's March 25, 2002, order that he pay Gregg Bernstein, Esq. \$2500 for Stevens's attorney fees.¹ Because Levesque has not provided us with a transcript of the proceedings before the trial court or a statement of the evidence pursuant to M.R. App. P. 5(d), we

¹ Stevens stipulated that Levesque paid \$50 toward attorney fees in January 2003. The court stayed Levesque's sentence for sixty days, providing him the opportunity to purge himself of his contempt by paying Bernstein \$2450 or by making a substantial payment and filing a motion for an extension of time.

must assume that the evidence sufficiently supported the court's factual findings. *See Putnam v. Albee*, 1999 ME 44, ¶ 10, 726 A.2d 217, 220. Furthermore, to the extent Levesque has presented us with evidence not before the trial court,² we may not consider that evidence. *See Westman v. Armitage*, 215 A.2d 919, 923 (Me. 1996). Finding no clear error in the court's factual findings, we conclude that the court did not abuse its discretion when it ultimately determined that Levesque had the present ability to comply with the court's order. *See Wrenn v. Lewis*, 2003 ME 29, ¶ 13, 818 A.2d 1005, 1009 (explaining that a judgment of civil contempt is reviewed for abuse of discretion when there is no clear error in the factual findings).

The entry is:

Judgment affirmed.

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² Because Levesque has not provided a transcript, it is unclear exactly what evidence he presented to the trial court.