

LINDA L. RANDALL

v.

TONY L. RANDALL

Submitted on Briefs March 24, 2003

Decided March 26, 2003

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

MEMORANDUM OF DECISION

Tony Randall appeals from a divorce judgment entered in District Court (Bangor, *Gunther, J.*). He claims that he was denied due process because he was unable to attend the trial due to his incarceration in a federal corrections facility and because his attorney failed to call certain witnesses. However, since his testimony was presented to the court through his deposition and he was represented by counsel who had an opportunity to present and examine witnesses, he was not denied due process. *See In re Randy Scott B.*, 511 A.2d 450, 453-54 (Me. 1986). Randall has not provided us with a transcript of the proceedings or a statement of the evidence pursuant to M.R. App. P. 5(d), and we must assume that there was

sufficient evidence to support the court's factual findings and that the court did not abuse its discretion in dividing the marital property of the parties. *See Alley v. Alley*, 2002 ME 162, ¶ 2, 809 A.2d 1262, 1262.

The entry is:

Judgment affirmed.

Attorney for the plaintiff:

Donald F. Brown, Esq.
36 Penn Plaza
Bangor, Maine 04401

For the defendant:

Tony Randall
FCI Ray Brook
P.O. Box 9009
Ray Brook, New York 12977--9009