

DOCTOR CHRIST ECSTASY

v.

BETHANY BERRY

Submitted on Briefs July 9, 2004

Decided August 31, 2004

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

MEMORANDUM OF DECISION

Bethany Berry appeals from the judgment entered in the District Court (Rockland, *Anderson, J.*) regarding her post-divorce motion for contempt and her motion to modify the divorce judgment, and from the court's order on Doctor Christ Ecstasy's motion for appointment of a guardian ad litem. We dismiss Berry's appeal from the appointment of a guardian ad litem because it is not a final judgment. *Austin v. Costantino*, 2004 ME 92, --- A.2d ---; Alexander, *Maine Appellate Practice* § 301 at 148 (2003). Contrary to Berry's remaining contentions, the court did not err or exceed the bounds of its discretion in refusing

to impose jail time on Ecstasy pursuant to a prior contempt order, *see Ames v. Ames*, 2003 ME 60, ¶ 22, 822 A.2d 1201, 1207, or in entering its judgment on the economic issues raised by Berry's motion to modify, *see Wrenn v. Lewis*, 2003 ME 29, ¶¶ 13-15, 818 A.2d 1005, 1009-10. Berry's argument that her attorney failed to act in accordance with her wishes is not properly before this Court on appeal. *Rinehart v. Schubel*, 2002 ME 53, ¶ 6, 794 A.2d 73, 76. Berry's remaining arguments do not merit discussion.<sup>1</sup>

We do not address issues raised by Ecstasy because he did not file a notice of appeal or cross-appeal. M.R. App. P. 2; *In re Melissa T.*, 2002 ME 31, ¶ 5, 791 A.2d 98, 99.

The entry is:

Appeal from appointment of guardian ad litem dismissed. In all other respects, judgment affirmed.

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<sup>1</sup> A number of Berry's arguments concern clerical errors properly addressed to the trial court. M.R. Civ. P. 60(a).

**For defendant:**

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