

DAVID BERRY

v.

DEBBIE SUE BERRY

Submitted on Briefs April 1, 2004
Decided April 16, 2004

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

MEMORANDUM OF DECISION

David Berry appeals from the judgment of the District Court (Belfast, *Nivison, J.*) denying his request for a protection order. The court found that David failed to prove that Debbie harassed or abused him. David claims that he now has additional evidence, however, because he failed to seek relief from judgment pursuant to M.R. Civ. P. 60(b), we are unable to review his claim.

Further, because David “has not provided . . . a transcript of the proceedings before the trial court or a statement of the evidence pursuant to M.R. App. P. 5(d), we must assume that there was sufficient evidence to support the court’s factual findings.” *Alley v. Alley*, 2002 ME 162, ¶ 2, 809 A.2d 1262, 1262.

The entry is:

Judgment affirmed.

For the appellant:

David Berry
P.O. Box 1022
Belfast, Maine 04915

Attorney for the appellee:

Joseph Baiungo, Esq.
111A Church St.
Belfast, Maine 04915