

MARK HOLDEN

v.

ELIZABETH HARVEY

Submitted on Briefs February 3, 2005

Decided February 15, 2005

Panel: CLIFFORD, RUDMAN, DANA, ALEXANDER, CALKINS, and LEVY,  
JJ.

#### MEMORANDUM OF DECISION

Elizabeth Harvey appeals from a judgment entered in the District Court (Rockland, *Brodrick, A.R.J.*) modifying the parties' divorce judgment in several respects, including the granting of primary residence of their child to Mark Holden. Harvey contends that the court erred in its finding of best interests of the child and other findings, including those related to the financial aspects of the judgment. However, she 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), and, therefore, we must assume that there was sufficient evidence to support the court's factual findings. *See Alley v. Alley*, 2002 ME 162, ¶ 2, 809 A.2d 1262, 1262.

Likewise, we are unable to review her contention that the court erred in not allowing the child to testify based on its finding that testifying would be harmful to the child.

The entry is:

Judgment affirmed.

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**Attorney for appellee:**

Stephen T. Hayes, Esq.  
Hayes Dispute Resolution & Legal Services  
P O Box 1028  
Augusta, ME 04332-1028

**For appellant:**

Elizabeth Harvey

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