

AMY SHOOK

v.

JASON FONTAINE

Submitted on Briefs March 24, 2005

Decided April 26, 2005

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

MEMORANDUM OF DECISION

Jason Fontaine appeals from an order for protection from abuse entered against him and in favor of Amy Shook in the District Court (Portland, *Eggert, J.*). Contrary to Fontaine's contentions, the court neither committed clear error nor acted beyond its discretion in excluding evidence at trial, *see State v. Tomah*, 1999 ME 109, ¶ 7, 736 A.2d 1047, 1050, and did not clearly and manifestly act beyond its discretion in denying Fontaine's motion for a new trial, *see Taylor v. Lapomarda*, 1997 ME 216, ¶ 5, 702 A.2d 685, 687. In addition, based on the state of the record before us, *see Rothstein v. Maloney*, 2002 ME 179, ¶ 11, 816 A.2d 813-14, we are bound to conclude that sufficient evidence exists to support a

finding of each of the elements for protection from abuse by a preponderance of the evidence, *see* 19-A M.R.S.A. § 4002 (1998 & Supp. 2004); *Bernier v. Merrill Air Eng'rs*, 2001 ME 17, ¶ 20, 770 A.2d 97, 104-05.

The entry is:

Judgment affirmed.

Plaintiff did not file a brief:

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