

MELINDA HARDACKER

v.

MARK LEVESQUE

Submitted on Briefs May 2, 2007  
Decided May 24, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER, and MEAD, JJ.

#### MEMORANDUM OF DECISION

Mark Levesque appeals from a second amended divorce judgment entered by the District Court (Augusta, *Vafiades, J.*), awarding Melinda Hardacker primary residence of three of their children and denying Levesque sole custody of the fourth child. Contrary to Levesque's contention, the District Court did not err in (1) amending the custody arrangements in the divorce judgment pursuant to 19-A M.R.S. §§ 1653(10), 1657 (2006), *see Coppersmith v. Coppersmith*, 2001 ME 165, ¶¶ 2-3, 786 A.2d 602, 603-04; and (2) enforcing a prior court order requiring him to pay \$3500 in spousal support arrearage. Levesque's offer of additional evidence

on appeal was improper and should have been submitted via a motion to reopen the record in the District Court. *See Bradstreet v. Bradstreet*, 2004 ME 5, ¶ 3, 840 A.2d 105, 106; M.R. App. P. 5(a); M.R. Civ. P. 43(j).

The entry is:

Judgment affirmed.

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**For plaintiff:**

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**Defendant:**

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