

DANIEL A. BOGGS JR.

v.

KIMBERLY EATON

Submitted on Briefs September 10, 2008

Decided September 16, 2008

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

MEMORANDUM OF DECISION

Daniel A. Boggs Jr. appeals from the judgment of the District Court (Biddeford, *O'Neil, J.*) denying his complaint for protection from harassment, 5 M.R.S. § 4651 (2007). On appeal, Boggs asserts that the court erred in specifically finding that Kimberly Eaton's actions in seeking to evict Boggs were not motivated by discriminatory animus and that Eaton was a credible witness. Boggs's complaint and supporting materials asserted that the alleged harassment arose from sexual orientation and disability discrimination. Therefore, the court's findings on this issue were an appropriate response to the issues raised in the proceeding. As there is no transcript of the proceedings and no statement of the record that was reviewed by the other party and approved by the court, we will assume that the record supports the findings of fact and discretionary decisions reached by the court. *See Jefts v. Dennis*, 2007 ME 129, ¶ 7, 931 A.2d 1055, 1057. We would also note that we cannot consider for the first time on appeal evidence not presented to the trial court or facts and events that may have occurred since the trial court's entry of judgment. *See Beane v. Maine Ins. Guar. Ass'n*, 2005 ME 104, ¶¶ 9-12, 880 A.2d 284, 286-87.

The entry is:

Judgment affirmed.

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