

KRISTINA L. KELLY

v.

JOHN J. KELLY

Submitted on Briefs April 2, 2008
Decided April 15, 2008

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

MEMORANDUM OF DECISION

John J. Kelly appeals from a divorce judgment entered in the District Court (West Bath, *Kennedy, M., J.*) upon Kristina L. Kelly's complaint for divorce. Contrary to John's contentions, we find that the court did not commit clear error by finding irreconcilable differences between the parties, *see Mattson v. Mattson*, 376 A.2d 473, 475-76 (Me. 1977), and that the transcript of the hearing reflects that the court did allow John sufficient opportunity to present his opposition to a finding of irreconcilable differences. Finally, we decline to address whether the court erred, pursuant to 19-A M.R.S. § 902(2) (2007), by failing to order a continuance for marital counseling, as this issue is raised for the first time on appeal. *See Teel v. Colson*, 396 A.2d 529, 533 (Me. 1979).¹

The entry is:

Judgment affirmed.

¹ We decline to reach John's remaining argument.

John J. Kelly, Jr., pro se:

John J. Kelly, Jr.
18 Ocean Street Apt. 12A
South Portland, Maine 04011

Attorney for Kristina L. Kelly:

James M. Whittemore, Esq.
Ranger Copeland Whittemore & Massey, P.A.
20 Federal Street
Brunswick, Maine 04011-0694