

WALTER B. PREBLE III

v.

GAIL PREBLE

Submitted on Briefs August 11, 2009

Decided August 25, 2009

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

MEMORANDUM OF DECISION

Walter B. Preble III appeals from the judgment of the District Court (Bridgton, *Goranites, J.*) denying his post-judgment motions to modify child support and for contempt. Preble asserts that the court erred in: (1) concluding that he has the capacity to pay child support because he is incarcerated, and (2) ignoring his evidence that Gail Preble had disrupted his correspondence with his daughter in denying his motion for contempt. Additionally, Preble complains that he was not permitted to appear in person at the court hearing. Preble did participate in the hearing by telephone, M.R. Civ. P. 43(a), thus, he was allowed the participation that accords with due process of the law.

No transcript of the hearing is available. When there is no transcript, we must infer that the record developed at the hearing supports the findings of fact and discretionary decisions reached by the court at the hearing. *Jefts v. Dennis*, 2007 ME 129, ¶¶ 7-8, 931 A.2d 1055, 1057. Accordingly, we conclude that the court did not err in denying the relief requested in the motion to modify child support and the motion for contempt.

The entry is:

Judgment affirmed.

Walter B. Preble, III, pro se:

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Gail Preble did not file a brief.