

MARGARET BROUGH

v.

DANIEL BROUGH

Submitted on Briefs September 23, 2010

Decided September 30, 2010

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

MEMORANDUM OF DECISION

Daniel Brough appeals from the judgment of the District Court (Bridgton, *Moskowitz, J.*) entering a final protection from abuse order, 19-A M.R.S. § 4007 (2009), in favor of Margaret Brough on behalf of the parties' son. Daniel contends that the court erred by not: (1) accommodating his asserted brain damage by providing assistance in interpreting and understanding the court proceedings and participating in the process; (2) requiring production and introduction into evidence of a video discussed during the testimony; (3) replaying the tape of Margaret's testimony so that he could better prepare an examination; and (4) ruling on certain objections raised by Daniel.

Review of the record demonstrates that Daniel's current allegations regarding his capacity to participate in the proceedings and need for assistance were not presented to the trial court and are not preserved for appeal. The record demonstrates that Daniel participated in an effective manner and was able to make meaningful decisions. Further, the evidence, viewed as a whole, was sufficient to support the court's findings underlying the protection from abuse order, with there being sufficient evidence for the court to find that Daniel had inappropriately placed a video camera in a bathroom and that the court relied on evidence of the

placement itself, not allegations as to what was captured by the video camera. Accordingly, there is sufficient evidence in the record to support the court's findings of abuse to justify its protection from abuse order. *See State v. Moores*, 2006 ME 139, ¶ 7, 910 A.2d 373, 375. The procedural issues now raised by Daniel were not presented to nor preserved in the trial court. *See In re Anthony R.*, 2010 ME 4, ¶ 8, 987 A.2d 532, 534.

The entry is:

Judgment affirmed.

Daniel Brough, pro se:

Daniel Brough
Cumberland County Jail
50 County Way
Portland, Maine 04102

Margaret Brough did not file a brief.