

DEBORAH KERIVAN

v.

DAVID J. BEATTY

Submitted on Briefs January 28, 2010

Decided February 2, 2010

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

#### MEMORANDUM OF DECISION

David J. Beatty appeals from two judgments amending his divorce judgment: (1) a stipulated partial amended divorce judgment resolving parental rights and responsibilities issues entered by the District Court (York, *Douglas, J.*) following a settlement conference; and (2) an amended judgment resolving financial issues entered by the court (*O'Neil, J.*) following a trial. Beatty also appeals from the court's judgment finding him to be in contempt of a previous court order and sentencing him to serve forty-eight hours in the York County Jail.

Contrary to Beatty's contention, the presiding judge at trial did not err at all, much less obviously err, in failing to recuse himself sua sponte. *See Rinehart v. Schubel*, 2002 ME 53, ¶ 13, 794 A.2d 73, 77. Furthermore, the court did not clearly err or abuse its discretion in finding by clear and convincing evidence that Beatty failed to comply with a previous court order that he had the ability to obey, and therefore was in contempt of the court. *See Efstathiou v. Efstathiou*, 2009 ME 107, ¶ 11, 982 A.2d 339, 342; *Pratt v. Spaulding*, 2003 ME 56, ¶ 10, 822 A.2d 1183, 1186. Finally, on this record we discern no abuse of the court's discretion in its calculation of Beatty's child support and spousal support arrearages, or in its award of attorney fees. *See Smith v. Padolko*, 2008 ME 56, ¶ 17, 955 A.2d 740,

745. We have fully considered Beatty's other contentions and conclude that they do not merit further discussion.

The entry is:

Judgments affirmed.

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