

WENDY MARSHALL ROACH

v.

CHRISTOPHER TODD ROACH

Submitted On Briefs July 7, 2010

Decided July 27, 2010

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

MEMORANDUM OF DECISION

Wendy Marshall Roach appeals from a judgment of divorce entered in the District Court (Portland, *MG Kennedy, J.*). Contrary to Wendy's contentions, the District Court did not abuse its discretion in dividing the debt and property. *See Leary v. Leary*, 2007 ME 63, ¶ 9, 926 A.2d 186, 188 ("We review a court's division of property and debts for an abuse of discretion."); *see also Murphy v. Murphy*, 2003 ME 17, ¶ 27, 816 A.2d 814, 822 ("[A] just distribution . . . is not synonymous with an equal distribution . . . [and] a court is not required to divide the marital property equally." (quotation marks omitted)). In its division, the District Court did not err by finding that Wendy had committed economic misconduct or by failing to find that Christopher had. *See Levy, Maine Family Law: Divorce, Separation, and Annulment* § 7.6.3-4 at 7-56 (6th ed. 2009) (noting that economic misconduct generally involves unreasonable conduct that has a direct, adverse economic on the marital estate).

Additionally, the court did not err in its calculations of Christopher's gross income for the purpose of determining child support. *See* 19-A M.R.S. § 2001(5)(C) (2009) (noting that the court has the discretion to determine that "business expenses, including, but not limited to, business losses, are inappropriate for determining gross income for purposes of calculating child support"); *see also Payne v. Payne*, 2008 ME 35, ¶ 11, 942 A.2d 713, 716 (noting that title

19-A M.R.S. § 2001(5) “speaks [only] to ongoing cash benefits actually received”).

Although Wendy identifies some *de minimis* discrepancies between the body of the judgment and the property division summary, and some minor mathematical errors in the judgment, these do not affect the substantial rights of the parties. *See Hayes v. Hayes*, 2009 ME 31, ¶ 7, 967 A.2d 725, 728; *see also* M.R. Civ. P. 61 (noting that errors that do not affect substantial rights must be disregarded).

The entry is:

Judgment affirmed.

Attorney for Wendy Marshall Roach:

Judy Potter, Esq.
356 Spurwink Avenue
Cape Elizabeth, Maine 04107

Attorney for Christopher Todd Roach:

David S. Bischoff, Esq.
McCloskey, Mina & Cunniff, LLC
12 City Center
Portland, Maine 04101