

SUPREME JUDICIAL COURT OF MAINE

Flint A. Hutchinson v. Christina A. Bruyere

2015 ME 16 (2015) · No. Yor-14-209 · Decided February 12, 2015

SUMMARY

The Maine Supreme Judicial Court dismissed Flint A. Hutchinson’s appeal from an order partially denying his motions for contempt and to modify a parental-rights judgment. The court held that Hutchinson failed to provide a compliant appendix and the transcript necessary to review his challenges to the evidence and his attorney’s representation. The appeal was dismissed without reaching the merits.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Hjelm, J.; Saufley, C.J.; Mead, J.; Gorman, J.; Jabar, J.
JURISDICTION	Maine
DECIDED	February 12, 2015
DOCKET	Yor-14-209
DISPOSITION	dismissed
PROCEDURAL POSTURE	Hutchinson appealed from a District Court order that denied in part his motions for contempt and to modify a judgment establishing parental rights and responsibilities.
STANDARD OF REVIEW	The Law Court dismissed the appeal without reaching the merits because the incomplete record and deficient appendix prevented meaningful appellate review.
PRECEDENTIAL VALUE	Published precedential decision of the Supreme Judicial Court of Maine
PARTIES	Flint A. Hutchinson v. Christina A. Bruyere

TOPICS

[appellate procedure](#) [family law procedure](#) [parental rights](#) [child custody](#) [civil procedure](#)

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the appeal should be dismissed because the appellant failed to provide a transcript necessary to challenge the evidentiary basis of the District Court's decision.
2. Whether the appeal should be dismissed because the appellant's appendix failed to include the mandatory documents required by the Maine Rules of Appellate Procedure.
3. Whether the Law Court could review Hutchinson's claims concerning the sufficiency of the evidence and his attorney's representation on the incomplete record.

HOLDINGS

1. An appeal may be dismissed when the appellant fails to file an appendix containing the mandatory materials required by the Maine Rules of Appellate Procedure and the omission materially frustrates appellate review.
2. An appellant who challenges findings or conclusions as unsupported by or contrary to the evidence must ensure that the appellate record includes a transcript of the evidence bearing on those challenges.

KEY QUOTATIONS

“This is a wholly inadequate basis for proper appellate consideration of the issues that Hutchinson articulates in his brief.” (¶ 10)

“Because Hutchinson’s material failure to comply with the basic requirements applicable to the submission of a proper record and appendix prevents proper appellate review, we dismiss the appeal without addressing the merits of his arguments.” (¶ 10)

FACTUAL BACKGROUND

Hutchinson and Bruyere are the parents of a child born in 2007. Their 2012 judgment established shared parental rights and responsibilities and shared primary physical residence. Hutchinson later alleged that Bruyere violated the judgment by relocating without informing him and filed motions for contempt and modification. The District Court resolved the motions in part after an evidentiary hearing, but the appellate record lacked the hearing transcript and most mandatory appendix materials.

PROCEDURAL HISTORY

The District Court entered a judgment in 2012 establishing shared parental rights and responsibilities and shared primary physical residence. After a 2013 hearing on Hutchinson's motions for contempt and modification, the court issued an oral decision and later a supplemental written order granting the motions in part and denying them in part. Hutchinson appealed, but failed to pay for the transcript and submitted an appendix containing only the written supplemental order.

DISPOSITION

dismissed

CASES CITED

- State v. Heikkinen, 477 A.2d 749, 750 (Me. 1984) (per curiam)
- Lowd v. Dimoulas, 2007 ME 61, ¶ 1, 924 A.2d 306 (per curiam)
- State v. Ross, 2004 ME 12, 841 A.2d 814 (per curiam)
- Your Home, Inc. v. City of Portland, 432 A.2d 1250, 1254-55 (Me. 1981)
- Ginn v. Kelley Pontiac-Mazda, Inc., 2004 ME 1, ¶ 15, 841 A.2d 785

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