

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2010-0720, Margaret Elizabeth Byrne v. Gary Hart, the court on October 26, 2011, issued the following order:

Having considered the petitioner's memorandum of law, the respondent's brief, and the record submitted on appeal, we conclude that oral argument is unnecessary in this case. See Sup. Ct. R. 18(1). The respondent, Gary Hart, appeals an order granting the petitioner, Margaret Elizabeth Byrne, an extension to the domestic violence final order of protection originally entered in 2008. We affirm.

The record reveals that the respondent did not appeal the order of protection when it was first entered in August 2008. Nor did he appeal the extension of this order granted in August 2009. His attempt to challenge the 2008 and 2009 orders in this appeal is untimely. See Sup. Ct. R. 7(1)(A).

The respondent argues that the evidence was insufficient to support the extension granted in September 2010. He has failed, however, to provide us with a transcript of the 2010 proceedings. Absent a transcript, we must assume that the evidence was sufficient to support the trial court's findings. See Bean v. Red Oak Prop. Mgmt., 151 N.H. 248, 250 (2004). We review the trial court's order for legal errors only. See Atwood v. Owens, 142 N.H. 396, 397 (1997). Because the respondent has not demonstrated that the trial court committed any legal error, we affirm its decision.

Affirmed.

Dalianis, C.J., and Duggan, Hicks, Conboy and Lynn, JJ., concurred.

**Eileen Fox,
Clerk**

Distribution:

Clerk, Brentwood Family Division, #618-2008-DV-00192

Honorable David G. LeFrancois

Marital Master Thomas G. Cooper

Mr. Gary Hart

Joshua L. Gordon, Esquire

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File