

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARK A. LOCKE,	§	
	§	
Cross Petitioner Below-	§	No. 115, 2003
Appellant,	§	
	§	
v.	§	Court Below – Family Court
	§	of the State of Delaware,
	§	in and for New Castle County
SANDRA M. LOCKE,	§	File No. CN92-10653
	§	Petition Nos. 02-11362
Cross Petitioner Below-	§	02-13156
Appellee.	§	

Submitted: October 31, 2003  
Decided: December 17, 2003

Before **HOLLAND, STEELE** and **JACOBS**, Justices

**ORDER**

This 17th day of December 2003, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) Cross petitioner-appellant, Mark A. Locke (“Father”),<sup>1</sup> filed an appeal from the Family Court’s January 31, 2003 order awarding cross petitioner-appellee Sandra M. Locke (“Mother”) sole custody of the parties’ two minor children. We find no merit to the appeal. Accordingly, we affirm.

(2) Mother and Father are divorced and are the parents of two minor children, ages 13 and 6. On January 31, 2001, the Family Court entered an order by consent of the parties providing for joint legal and residential custody. Mother

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<sup>1</sup> The Court sua sponte assigned pseudonyms to the parties pursuant to Supr. Ct. R. 7(d).

subsequently filed a petition requesting that the order be modified to award primary residential custody to her. Father filed a cross-petition requesting that he be granted sole legal and residential custody on the ground that Mother was living an unhealthy lifestyle with her girlfriend.

(3) On January 15, 2003, the Family Court held a hearing at which Mother and Father testified. On January 31, 2003, the Family Court issued its decision and order awarding sole legal and residential custody of the children to Mother with visitation for Father in accordance with the Family Court's standard visitation guidelines. Based on the parties' testimony, the Family Court made the following findings of fact.

(4) Mother's living arrangements have not changed since the parties agreed to share residential custody in January 2001. In an interview with the Family Court, the parties' older child expressed a preference for the stability and structure offered at Mother's residence. While Father stated that he would provide a more stable environment for the children, he did not provide evidence to support that statement. While Father expressed a desire for the children to change school districts, he presented no evidence indicating that such a change would be beneficial for them. Father has multiple sclerosis, which flared up in 2002. The parties' older child has experienced some problems in school, which are now

improving. Father has a history of domestic violence against Mother. Father's negative comments about Mother have affected the older child's emotional well-being. There has been a complete breakdown in communication between Father and Mother, which precludes their ability to make joint decisions on behalf of the children.

(5) This Court's review of appeals from the Family Court extends to a review of the facts and the law as well as to a review of the inferences and deductions made by the trial judge.<sup>2</sup> This Court will not disturb findings of fact unless they are clearly wrong and justice requires that they be overturned.<sup>3</sup> This Court will not substitute its own opinion for the inferences and deductions made by the trial judge if they are supported by the record and are the product of an orderly and logical deductive process.<sup>4</sup> We review issues of law de novo.<sup>5</sup>

(6) We have reviewed the trial transcript in detail and find that the evidence supports the Family Court's factual findings. We, therefore, conclude that there is no basis for overturning those findings. Moreover, we find that the

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<sup>2</sup> *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d 1202, 1204 (Del. 1979).

<sup>3</sup> *Solis v. Tea*, 468 A.2d 1276, 1279 (Del. 1983).

<sup>4</sup> *Id.*

<sup>5</sup> *Solis v. Tea*, 468 A.2d at 1279-80.

Family Court appropriately weighed the evidence and reached its decision concerning custody and visitation utilizing the proper statutory standards.<sup>6</sup>

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>6</sup> Del. Code. Ann. tit. 13, §§ 729(b), 722(a) and 701(a).