

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIMOTHY M. GORDON,	§	
	§	
Petitioner Below-	§	No. 371, 2004
Appellant,	§	
	§	
v.	§	Court Below---Family Court
	§	of the State of Delaware,
	§	in and for New Castle County
ELLEN M. GORDON,	§	File No. CN02-06300
	§	
Respondent Below-	§	
Appellee.	§	

Submitted: January 28, 2005

Decided: March 15, 2005

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

**ORDER**<sup>1</sup>

This 15th day of March 2005, upon consideration of the appellant's opening brief and the record below, it appears to the Court that:<sup>2</sup>

(1) The petitioner-appellant, Timothy M. Gordon ("Father"), appeals from the Family Court's July 28, 2004 order denying his request for review of a commissioner's child support order dated July 1, 2004. Father also appeals from "all orders in the case from start to finish,"<sup>3</sup> including the Family Court's October

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

<sup>2</sup> By letter dated January 10, 2005, appellee Ellen M. Gordon ("Mother") waived her right to submit an answering brief. By letter of the Clerk dated January 25, 2005, the parties were informed that this matter would be decided on the basis of the opening brief and the Family Court record.

<sup>3</sup> The list of orders Father seeks to appeal, spanning the time period October 2003 to October 2004, primarily relate, either substantively or procedurally, to Father's child support obligation.

14, 2004 order denying his motion for a corrected transcript of the hearing before the commissioner.<sup>4</sup> We find no merit to the appeal. Accordingly, we affirm the rulings of the Family Court.

(2) The record reflects that the parties are divorced and have three minor children. The children live with Mother and have visitation with Father. In addition, Father pays child support. In September 2003, Father filed a petition for child support modification. In the petition, Father claimed that his child support obligation of \$1,500.00 per month should be reduced because he had lost all overtime pay and Mother's income had risen due to a promotion, pay raises and steady overtime. A hearing before a Family Court commissioner was held on April 7, 2004.

(3) On July 1, 2004, the Family Court commissioner entered a "permanent modification support order," which required Father to pay child support in the amount of \$1,190.00 per month and provided for an attachment of Father's income for the payment of arrears. The commissioner based his order on the evidence presented at the April 7, 2004 hearing and also on documentation Father was granted leave to submit after the hearing had concluded. On July 28,

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<sup>4</sup> In connection with his appeal, Father filed a motion in this Court for a "word-for-word transcript" of the hearing before the commissioner. In an Order dated October 4, 2004, this Court directed Father to first file that motion in the Family Court, which Father did. The Family Court subsequently denied the motion. In connection with the appeal, Father also has filed a motion requesting this Court to order the Family Court to provide the original recording of the hearing.

2004, the Family Court issued an order denying Father's request for a review of the commissioner's order.<sup>5</sup>

(4) In this appeal, Father claims that, in its rulings and orders and in processing his paperwork, the Family Court, including the judge, mediator, commissioner and court personnel, violated his constitutional rights to due process and equal protection, impeded his ability to fully present his arguments, unfairly favored Mother, deliberately altered the record to prejudice his position in the litigation and violated various Canons of the Delaware Judges' Code of Judicial Conduct and various Family Court rules. Father also claims that the transcript of the April 7, 2004 hearing, as well as the original recording of the hearing, were improperly altered.

(5) We have reviewed carefully the Family Court record, including all orders and rulings issued by the Family Court subsequent to Father's request for a modification of his child support modification, the transcript of the April 7, 2004 hearing before the commissioner, and the two orders appealed from.<sup>6</sup> The record does not reflect any error of law or abuse of discretion on the part of the Family Court judge, the mediator or the commissioner in any respect. The record does not reflect any evidence of impropriety on the part of any Family Court personnel.

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<sup>5</sup> Del. Code Ann. tit. 10, § 915(d) (1) (1999).

<sup>6</sup> We also have reviewed the Family Court's denial of Father's motion for a "word-for-word" transcript of the hearing before the commissioner.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.<sup>7</sup>

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>7</sup> In the absence of any credible evidence that either the transcript or the recording of the April 7, 2004 hearing were improperly altered, Father's motion for the original recording of the hearing is hereby denied.