Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2007-071

OCTOBER TERM, 2007

Michelle Tatro	}	APPEALED FROM:
	}	
	}	
v.	}	Bennington Family Court
	}	
	}	
Michael J. Brillon	}	DOCKET NO. 9-1-04 Bnfa
		Trial Judge: David Suntag

In the above-entitled cause, the Clerk will enter:

Defendant appeals pro se from the family court's extension of a final relief from abuse (RFA) order.* He argues that the court issued its order without him being present at the hearing; the trial judge was biased against him; and the RFA order is unnecessary because he does not intend to contact the victim or the parties' daughter. We affirm.

Defendant is currently incarcerated as a habitual offender based in part on his assault of the victim. The victim obtained an RFA order against defendant in January 2004, and it was in effect until January 12, 2007. In early January 2007, the victim moved to extend the order, fearing that defendant might be released from prison. The court temporarily extended the order. It stated in an entry order that if defendant wished to be heard in opposition to the extension, he had ten days from the date of service of the order to request a hearing and file a sworn statement as to why extension should not be granted. If he failed to do so, the order would be extended as requested without further hearing. Defendant was served with the order on January 18, 2007 but he did not request a hearing, nor did he file a sworn statement opposing the victim's request. Instead, he moved to recuse the trial judge, asserting that the judge was biased against him because he had presided at defendant's criminal trial. The motion was referred to the administrative judge, who denied it, finding defendant's claims insufficient to affirmatively show bias and prejudice. In February 2007, the trial court extended the RFA order as requested by the victim, noting defendant's failure to respond to its earlier entry order. This appeal followed.

Defendant fails to demonstrate that the trial court erred in issuing its order. See 15 V.S.A. § 1103(e) (family court may extend any relief from abuse order, upon motion of plaintiff,

* Defendant has since requested that the appeal be dismissed "without prejudice." That request is denied.

for such additional time as it deems necessary to protect the plaintiff, the children, or both, from abuse, and the court need not find that abuse has occurred during the pendency of the order to extend the terms of the order); In re S.B.L., 150 Vt. 294, 297 (1988) (appellant bears burden of demonstrating how the trial court erred warranting reversal, and Supreme Court will not comb the record searching for error). There is no support for defendant's assertion that he was not "invited" to a hearing. As set forth above, he was notified in writing that he could request a hearing and he failed to do so. We similarly reject defendant's claim that the trial judge was biased against him. The administrative judge reviewed these same general allegations and found them unavailing. See State v. Putnam, 164 Vt. 558, 564 (1996) (explaining that questioning of judge's impartiality "must not be based on unsupported opinion, baseless conclusions or rumors"). Defendant offers no grounds to disturb her well-reasoned opinion. See id. (Supreme Court reviews the administrative judge's decision on a motion to disqualify only for abuse of discretion, looking to determine "if the record reveals no reasonable basis for the decision"). Finally, defendant's assertion that he does not intend to contact the victim or the parties' daughter in no way demonstrates that the RFA order is invalid or unnecessary. We find no error.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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John A. Dooley, Associate Justice

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Marilyn S. Skoglund, Associate Justice