

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS THORPE, <sup>1</sup>	§
	§ No. 551, 2013
Respondent Below,	§
Appellant,	§ Court Below—Family Court
	§ of the State of Delaware,
v.	§ in and for New Castle County
	§
VICTORIA GAINES-THORPE,	§ File No. CK11-02208
	§ Petition No. 11-22708
Petitioner Below,	§
Appellee.	§

Submitted: April 4, 2014

Decided: June 11, 2014

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 11<sup>th</sup> day of June 2014, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Thomas Thorpe ("Husband"), appeals from a Family Court decision and order dated September 20, 2013, which granted in part and denied in part Wife's motion for reargument of the Family Court's thirty-one page decision, dated August 29, 2013, which resolved matters ancillary to the parties' divorce. We find no merit to Husband's appeal and, accordingly, affirm the Family Court's judgment.

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<sup>1</sup> The Court assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

(2) The parties were married on December 24, 1986 and divorced on October 11, 2011. The Family Court held a four-day trial in 2013 on the ancillary issues remaining after the parties had reached a settlement agreement on several other ancillary issues. The Family Court heard testimony from Husband and Wife as well as from financial and medical experts. On August 29, 2013, the Family Court entered judgment ordering Husband to pay Wife \$2941 per month in alimony and to pay certain of Wife's attorney's fees. Among other things, the trial court distributed the parties' assets in Wife's favor (65%-35%) and distributed the parties' debts in Wife's favor (35%-65%). Thereafter, Wife moved for reargument, which the Family Court granted in part and denied in part. Husband then filed this appeal.

(3) Husband enumerates eight arguments in his opening brief on appeal. First, he claims that the Family Court's division of property was inequitable. Second, he argues that the distribution chart used by the Family Court did not include a significant portion of Husband's proven expenses. Third, Husband contends that the Family Court used different dates of separation for purposes of dividing certain assets and debts. Fourth, Husband asserts that the Family Court failed to consider post-separation expenses and taxes that he paid. Fifth, Husband claims that Wife did not establish that she was dependent in order to receive alimony. Sixth, Husband contends that the Family Court abused its discretion in

ordering him to pay Wife's attorney's fees. Seventh, Husband argues that the Family Court erred in crediting Wife with an IRA. Finally, Husband claims that the Family Court erred in counting the IRA in favor of Wife more than once and in failing to account for an outstanding liability.

(4) On appeal from a Family Court decision regarding matters of property division and alimony ancillary to a parties' divorce, this Court reviews both the law and the facts, as well as the inferences and deductions made by the trial judge.<sup>2</sup> We review conclusions of law *de novo*.<sup>3</sup> If the Family Court correctly applied the law, we review for abuse of discretion.<sup>4</sup> The Family Court's factual findings will not be disturbed on appeal unless those findings are clearly wrong and justice requires they be overturned.<sup>5</sup> Where the determination of facts turns on the credibility of the witnesses who testified under oath before the trial judge, this Court will not substitute its opinion for that of the trial judge.<sup>6</sup>

(5) In this case, other than the conclusory arguments set forth in his eight numbered paragraphs, Husband's two-page opening brief contains no statement of facts, no citation to the record, no citation to legal authority, and no specificity

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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> *Forrester v. Forrester*, 953 A.2d 175, 179 (Del. 2008).

<sup>4</sup> *Jones v. Lang*, 591 A.2d 185, 186 (Del. 1991).

<sup>5</sup> *Forrester*, 953 A.2d at 179.

<sup>6</sup> *Wife (J. F. V.)*, 402 A.2d at 1204.

regarding factual or legal findings of the Family Court that Husband contends were erroneous. Moreover, his appendix includes no trial transcripts to support his claims of error.<sup>7</sup> While this Court affords self-represented litigants some leniency in fulfilling the Court's briefing requirements, an appellant's brief, at the very least, must be sufficiently adequate to enable the Court to meaningfully review the merits of the appellant's claims.<sup>8</sup> Under the circumstances, Husband's claims of error are too vague and conclusory for the Court to conduct a meaningful review. We find no legal or factual basis to disturb the Family Court's ancillary decision on appeal.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>7</sup> Although Husband did not include any of the trial transcripts in his appendix, we note that the Family Court record includes transcripts for three days of the four-day trial, which we have reviewed.

<sup>8</sup> *Joyner v. The News Journal*, 2003 WL 22992204, at \*1 (Del. Dec. 18, 2003); *Yancey v. Nat'l Trust Co., Ltd.* 1998 WL 309819, at \*1 (Del. May 19, 1998).