

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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2005-212

OCTOBER TERM, 2005

Diana Bedell	}	APPEALED FROM:
	}	
	}	
v.	}	Chittenden Family Court
	}	
Clinton Bedell, Jr.	}	DOCKET NO. 31-1-05 Cndm
	}	

Trial Judge: Helen M. Toor

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

Husband appeals pro se from a final divorce judgment of the Chittenden Family Court. Although his brief appears to raise several related claims, husband essentially contends that: (1) marriage is a religious institution and, therefore, the divorce judgment violated his right to the free exercise of religion under the First Amendment; and (2) Vermont=s rejection of the Equal Rights Amendment established that men=s rights are paramount to women=s, and that he was therefore entitled to withhold his consent to the divorce. We affirm.

Wife filed a complaint for divorce in January 2005. A final hearing was held in May. Husband was incarcerated in Kentucky at the time of the hearing, but appeared by telephone. Following the hearing, the court issued a final judgment of divorce. This appeal followed.

Husband=s arguments against Vermont=s divorce laws, as set forth in his brief, appear to be founded principally on his interpretation of the Bible (Awhat . . . God hath joined together let no man put asunder@) and his preference for the Declaration of Independence (Aall men are created equal, . . . endowed . . . with certain unalienable rights@) (emphasis added) over more conventional theories of constitutional law. ^[1] Husband failed, however, to preserve these issues for appeal. Although husband filed a pleading entitled AMotion to Suppress Divorce,@ outlining numerous objections to the divorce, prior to the hearing, he did not raise the claims now presented on appeal. Nor did he raise either issue at the final hearing, but, instead, sought spousal maintenance and a return of certain personalty. Claims not raised in the trial court are not preserved for appellate review. Maguire v. Gorruso, 174 Vt. 1, 9 (2002). Accordingly, we discern no basis to disturb the judgment.

Affirmed.

BY THE COURT:

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice

[\[1\]](#)

It is interesting to note that the Old Testament nevertheless recognized divorce, Deut. 24:1-4, and that the state and federal Constitutions extend equal protection to Apersons,@ regardless of gender. Vt. Const. ch. I, art. 7; U.S. Const. amend. XIV, ' 1.