

STATE OF MAINE

v.

DAKOTA P.

Argued June 14, 2011
Decided November 15, 2011

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,
GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Dakota P. appeals from a judgment of the Superior Court (Knox County, *Hjelm, J.*) affirming an order of adjudication of the juvenile crimes of assault (Class D), 17-A M.R.S. § 207(1)(A) (2010), and criminal mischief (Class D), 17-A M.R.S. § 806(1)(A) (2010), by the Juvenile Court (Rockland, *Field, J.*). *See* M.R. Crim. P. 36B. Dakota argues that the Juvenile Court erred in (1) denying her motion to dismiss the charges pursuant to the accord and satisfaction statute, 15 M.R.S. § 891 (2010); (2) considering a parental discipline justification, 17-A M.R.S. § 106(1) (2008),¹ in finding that the State had disproven her self-defense justification to the assault charge beyond a reasonable doubt, 17-A M.R.S. § 108 (2010); and (3) finding sufficient evidence to support adjudication on the criminal mischief charge.

A decision to reject a proffered accord and satisfaction and resultant refusal to dismiss criminal charges is reviewed for an abuse of discretion. *See State v. Young*, 2001 ME 111, ¶ 1 & n.2, 777 A.2d 830. No abuse of discretion has been demonstrated in this case.

¹ Title 17-A M.R.S. § 106(1) (2008) was amended by P.L. 2009, ch. 336, § 6 (effective Sept. 12, 2009).

On the self-defense issue, the record supports the court's determinations that (1) the mother's use of force against Dakota was reasonable and was justified, i.e., not unlawful, pursuant to 17-A M.R.S. § 106(1); and (2) that Dakota did not or could not reasonably have believed that her mother's force was unreasonable and, therefore, unlawful, *see* 17-A M.R.S. § 108(1).²

On the criminal mischief charge, the evidence, and all reasonable inferences drawn from it, supports the court's finding that Dakota did intentionally, knowingly, or recklessly damage the property of another without reasonable grounds to believe she had a right to do so. *See* 17-A M.R.S. § 806(1)(A); *State v. Cook*, 2010 ME 85, ¶ 11, 2 A.3d 333.

The entry is:

Judgment affirmed.

On the briefs:

Jeremy Pratt, Esq., Camden, for appellant Dakota P.

Geoffrey Rushlau, District Attorney, Miriam Johnson, ADA, Knox County District Attorney's Office, Rockland, for appellee State of Maine

At oral argument:

Jeremy Pratt, Esq., for appellant Dakota P.

Lindsay Jones, ADA, Knox County District Attorney's Office, Rockland, for appellee State of Maine

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² The Juvenile Court did not make findings in this regard, but in the absence of findings, we review the record in its entirety and assume that the court found for the State upon all issues of fact necessarily involved in the ultimate decision that was adverse to the defendant, if those findings can be supported in the record. *State v. Kirby*, 2005 ME 92, ¶ 10, 878 A.2d 499.