

STATE OF MAINE

v.

AMBESSA B. HAGOS¹

Submitted on Briefs April 27, 2011

Decided April 28, 2011

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

MEMORANDUM OF DECISION

Ambessa B. Hagos appeals from his conviction of elevated aggravated assault (Class A), 17-A M.R.S. § 208-B(1)(A) (2010), entered in the Unified Criminal Docket (Cumberland County, *Cole, J.*). Contrary to Hagos's contentions, the court did not abuse its discretion when it (1) denied his motion to dismiss the action as a sanction for discovery violations by the State because he did not demonstrate that the violations were in bad faith or that he suffered prejudice, *see Estate of Hoch v. Stifel*, 2011 ME 24, ¶¶ 32-33, --- A.3d ---, ---; (2) denied his request for a mistake-of-fact jury instruction because the facts at trial did not raise that defense, *see State v. Collin*, 1999 ME 187, ¶ 11, 741 A.2d 1074, 1078; and (3) denied his motion for a new trial based on the self-defense jury instruction because that instruction "correctly and fairly informed the jury as to all necessary aspects of the applicable law," and the court did not commit any error, *see Jacob v. Kippax*, 2011 ME 1, ¶ 28, 10 A.3d 1159, 1165 (quotation marks omitted). Finally, contrary to Hagos's contention, the fact-finder could rationally have found beyond a reasonable doubt that the State proved every element of the offense charged and disproved self-defense, and therefore the evidence was sufficient to both support

¹ The court permitted an amendment to the complaint to correct the spelling of Ambessa B. Hagos's name from Embassa Haguas, as it first appeared on the complaint. In addition, we note the following aliases: Ambessa Hagous, Ambessa Berhe, and Ambessa Hagos Berhe.

the charge, *see State v. Severy*, 2010 ME 126, ¶ 8, 8 A.3d 715, 717, and disprove self-defense, *see State v. Clark*, 2008 ME 136, ¶ 18, 954 A.2d 1066, 1072.

The entry is:

Judgment affirmed.

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Cumberland County Unified Criminal Docket docket number CR-2009-4640
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