

STATE OF MAINE

v.

WILLIAM H. BRANAGAN

Submitted on Briefs June 30, 2011

Decided July 5, 2011

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

MEMORANDUM OF DECISION

William H. Branagan appeals from a judgment of conviction for domestic violence assault (Class D), 17-A M.R.S. § 207-A(1)(A) (2010), entered in the Superior Court (Kennebec County, *R. Murray, J.*) following a jury trial. Contrary to Branagan's contentions, the court did not err in denying Branagan's request to instruct the jury that it may consider 19-A M.R.S. § 1653(3)(L) (2010) in assessing the victim's potential motivations and testimony. *See State v. Okie*, 2010 ME 6, ¶ 8, 987 A.2d 495, 497-98; *State v. Dumond*, 2000 ME 95, ¶ 11, 751 A.2d 1014, 1017. As the court correctly determined, such an instruction would have been inappropriate in this case. *See State v. Hernandez*, 1998 ME 73, ¶ 7, 708 A.2d 1022, 1025 (holding that a court is not required to instruct the jury on a defendant's theory of the case "when that theory represents a method for generating reasonable doubt"); *see also State v. Bridges*, 2003 ME 103, ¶ 43, 829 A.2d 247, 259; *State v. Lavoie*, 561 A.2d 1021, 1023 (Me. 1989) (expressing "disapproval of [jury] instructions that focus specifically upon a single witness," and stating that "it is incorrect to single out the testimony of an eyewitness for special scrutiny"); *State v. McDonough*, 507 A.2d 573, 575-76 (Me. 1986); Alexander, *Maine Jury Instruction Manual* § 6-7 at 6-14 cmt. (4th ed. 2007).

The entry is:

Judgment affirmed.

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Kennebec County Superior Court docket number CR-2010-466
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