

SHELLY LAKE

v.

EDWARD F. LIBBY

Submitted on Briefs October 31, 2013

Decided November 21, 2013

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

MEMORANDUM OF DECISION

Edward F. Libby appeals from a judgment entered in the District Court (Portland, *Eggert, J.*) granting Shelly Lake’s motion to extend an order of protection from abuse. Contrary to Libby’s contentions, the court did not err in finding that the additional time is necessary to protect Lake from abuse. *See Dyer v. Dyer*, 2010 ME 105, ¶ 11, 5 A.3d 1049; *O’Brien v. Weber*, 2012 ME 98, ¶ 9 & n.2, 48 A.3d 230 (“[E]vidence of a prior act or acts of abuse that were the basis for an expired protection order may be relevant . . . to demonstrate the defendant’s motive or intent by showing that a more recent act is part of a pattern of abusive conduct.”).

Additionally, contrary to Libby’s contentions, the court did not err or violate Libby’s Second Amendment rights by prohibiting Libby from possessing firearms or dangerous weapons, although it did not find that Libby posed a “credible threat” to Lake pursuant to 15 M.R.S. § 393(1)(D) (2012). *See id.* § 393(1)(D)(2) (providing that a person may not possess a firearm if that person “[i]s subject to an order of a court . . . that restrains that person from . . . threatening an intimate partner,” which “[b]y its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner . . . that would

reasonably be expected to cause bodily injury”); *see also* 18 U.S.C. §§ 921(a)(32), 922(g)(8) (West, Westlaw through P.L. 113-47).

The entry is:

Judgment affirmed.

On the briefs:

Edward F. Libby, pro se appellant

Lucia Chomeau Hunt, Esq., Pine Tree Legal Assistance, Inc., Portland, for
appellee Shelly Lake