

STATE OF MAINE

v.

DAVID R. BEAL

Argued April 8, 2014  
Decided April 22, 2014

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

MEMORANDUM OF DECISION

David R. Beal appeals from a judgment of conviction of one count of aggravated assault (Class B), 17-A M.R.S. § 208(1)(A) (2013), entered by the trial court (*Hjelm, J.*) following a jury trial. Contrary to Beal's contention, the trial court did not abuse its discretion or otherwise err in declining to ask potential jurors a question that Beal proposed, *see State v. Collin*, 1999 ME 187, ¶¶ 7-8, 741 A.2d 1074, or in denying Beal's request to excuse an allegedly biased juror, *see State v. Chesnel*, 1999 ME 120, ¶¶ 29-31, 734 A.2d 1131; *Latremore v. Latremore*, 584 A.2d 626, 634 (Me. 1990). Further, the court did not commit obvious error when it did not, *sua sponte*, question jurors or declare a mistrial after being informed that a juror had talked about the case before all twelve jurors were present in the jury room. *See State v. Pabon*, 2011 ME 100, ¶ 19, 28 A.3d 1147 (discussing obvious error standard of review).

The entry is:

Judgment affirmed.

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**On the briefs:**

James M. Mason, Esq., Brunswick, for appellant David R. Beal

Geoffrey Rushlau, District Attorney, and Jeffrey Baroody, Asst.  
Dist. Atty., Prosecutorial District VI, Rockland, for appellee  
State of Maine

**At oral argument:**

James M. Mason, Esq., for appellant David R. Beal

Donald Macomber, Asst. Atty. Gen., Office of the Attorney  
General, Augusta, for appellee State of Maine