

STEPHANIE L. BERRY et al.

v.

CANDICE BANTA

Submitted on Briefs November 29, 2016

Decided December 15, 2016

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Candice Banta appeals from a protection from harassment judgment in which the District Court (Portland, *Goranites, J.*) found that she harassed Stephanie Berry and her ten-year-old son, and ordered her not to have contact with them. *See* 5 M.R.S. §§ 4651(2), 4654(1) (2015); 17-A M.R.S. § 209(1) (2015). Contrary to Banta's contentions, the court did not commit clear error in finding, by a preponderance of the evidence, *see* 5 M.R.S. § 4654(1), that Banta harassed Berry and her son by twice raising her arm as if to strike Berry while Berry's son was present, thereby intentionally or knowingly placing both of them in fear of imminent bodily injury. *See* 5 M.R.S. § 4651(2)(C); 17-A M.R.S. § 209(1); *Young v. Lagasse*, 2016 ME 96, ¶ 8, 143 A.3d 131; *State v. York*, 2006 ME 65, ¶ 11, 899 A.2d 780; *Smith v. Welch*, 645 A.2d 1130, 1132 (Me. 1994).

The entry is:

Judgment affirmed.

William Maselli, Esq., Law Offices of William Maselli, Portland, for appellant
Candice Banta

Stephanie L. Berry did not file a brief

Portland District Court docket number PA-2016-112
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