

STATE OF MAINE

v.

CODY POOLER

Argued March 2, 2016  
Decided March 22, 2016

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

MEMORANDUM OF DECISION

Cody Pooler appeals from a judgment of conviction of domestic violence assault (Class D), 17-A M.R.S. § 207-A(1)(A) (2015), entered in the Superior Court (Kennebec County, *Marden, J.*) after a jury trial. Contrary to Pooler's contentions, the trial court did not abuse its discretion by denying Pooler's motion for a new trial based on his claim that the State failed to disclose favorable evidence as required by *Brady v. Maryland*, 373 U.S. 83 (1963), because the net impact of the undisclosed evidence does not undermine confidence in the jury's verdict. *See State v. Twardus*, 2013 ME 74, ¶¶ 32, 40, 72 A.3d 523. Specifically, because Pooler was able to impeach the alleged victim with evidence of four prior thefts (although there may only have been three), evidence of an unrelated possible fifth pending theft charge was highly unlikely to have affected the jury's assessment of her credibility in any meaningful way.

Furthermore, the jury heard sufficient evidence at trial to support a finding, beyond a reasonable doubt, that Pooler committed the crime of domestic violence assault. *See State v. Ahmed*, 2006 ME 133, ¶ 21, 909 A.2d 1011 ("Upon review for sufficiency of the evidence, we review the evidence [in the light] most favorabl[e] to the [jury's verdict] to determine if the evidence supports the conviction of the

offense charged beyond a reasonable doubt.”). From the evidence before it, the jury could have found that Pooler shoved the victim so hard that she fell over a second-story porch railing, falling head first onto the ground below, suffering serious injuries.

The entry is:

Judgment affirmed.

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**On the briefs:**

Kevin P. Sullivan, Esq., Sullivan Law, P.C., Augusta, for  
appellant Cody Pooler

Maeghan Maloney, District Attorney, and Frayla Schoenfeld,  
Asst. Dist. Atty., Prosecutorial District IV, Augusta, for  
appellee State of Maine

**At oral argument:**

Elizabeth S. Gray, Esq., Sullivan Law, P.C., Augusta, for  
appellant Cody Pooler

Frayla Schoenfeld, Asst. Dist. Atty., for appellee State of Maine