

STATE OF MAINE

v.

PRESCOTT E. MCCURDY

Submitted on Briefs January 11, 2018  
Decided February 22, 2018

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

MEMORANDUM OF DECISION

Prescott E. McCurdy appeals from a judgment of conviction entered by the trial court (Sagadahoc County, *Billings, J.*) after a jury found him guilty of two counts of violation of a protection order (Class D), 19-A M.R.S. § 4011(1) (2017). We affirm the judgment

Despite McCurdy's argument otherwise, when the evidence is viewed in the light most favorable to the State, there was sufficient evidence in the record to support the jury's finding that McCurdy knowingly or intentionally harassed the victim. *See State v. Waterman*, 2010 ME 45, ¶ 29, 995 A.2d 243; *see also State v. Fortune*, 2011 ME 125, ¶ 29, 34 A.3d 1115. In addition, the trial court did not err in denying his proposed jury instructions, as those instructions were not generated by the evidence and did not correctly state the law. *See State v. Garcia*, 2014 ME 150, ¶ 15, 106 A.3d 1137; *see also Childs v. Ballou*, 2016 ME 142, ¶¶ 17, 22, 148 A.3d 291. Finally, the court did not abuse its discretion in denying McCurdy's bill of particulars, as McCurdy "learned of the essential facts upon which his [charges] were based" prior to trial. *See State v. Cote*, 444 A.2d 34, 36 (Me. 1982); *State v. Flynn*, 2015 ME 149, ¶ 27, 127 A.3d 1239.

The entry is:

Judgment affirmed.

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Andrews Bruce Campbell, Esq., Andrews Bruce Campbell, P.A., Bowdoinham,  
for appellant Prescott E. McCurdy

Jonathan R. Liberman, District Attorney, and Matthew R. Gerety, Asst. Dist.  
Atty., Prosecutorial District 6, Bath, for appellee State of Maine

Sagadahoc County Unified Criminal Docket docket number CR-2017-13  
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