

STATE OF MAINE

v.

KURT A. PAVUK

Submitted on Briefs January 11, 2018
Decided January 18, 2018

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

MEMORANDUM OF DECISION

Kurt A. Pavuk appeals from a judgment of conviction for domestic violence assault (Class D), 17-A M.R.S. §§ 207(1)(A), 207-A(1)(A) (2017), and refusing to submit to arrest (Class D), 17-A M.R.S. § 751-B(1)(B) (2017), entered by the trial court (York County, *O'Neil, J.*) on a jury verdict, and for violating a condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2017), entered on a court finding. Contrary to Pavuk's contentions, the court did not err or abuse its discretion by allowing an arresting officer to testify regarding the ultimate issue of whether Pavuk refused to submit to arrest. *See* M.R. Evid. 704; *State v. Wyman*, 2015 ME 1, ¶ 22, 107 A.3d 641; *Kaechele v. Kenyon Oil Co.*, 2000 ME 39, ¶¶ 15-16, 747 A.2d 167. In addition, 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 and the court's findings that Pavuk committed each element of all three crimes. *See* 15 M.R.S. § 1092(1)(A); 17-A M.R.S. §§ 207(1)(A), 207-A(1)(A), 751-B(1)(B); *State v. Jeskey*, 2016 ME 134, ¶ 30, 146 A.3d 127; *see also State v. Hodgdon*, 2017 ME 122, ¶ 26, 164 A.3d 959.

The entry is:

Judgment affirmed.

Roger M. Champagne, Esq., Law Office of Roger M. Champagne, LLC, Biddeford,
for appellant Kurt A. Pavuk

Kathryn L. Slattery, District Attorney, Shira Burns, Asst. Dist. Atty., and
Shannon Flaherty, Stud. Atty., Prosecutorial District #1, Alfred, for appellee
State of Maine

York County Unified Criminal Docket docket number CR-2016-41320
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