

PRISCILLA GRINDLE

v.

LAURA WEBBER et al.

Submitted on Briefs January 11, 2018

Decided January 30, 2018

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

MEMORANDUM OF DECISION

Laura and David Webber appeal from an extended order for protection from abuse entered in the District Court (Belfast, *Worth, J.*) upon Priscilla Grindle's motion on behalf of herself and six of her siblings, all children of the Webbers. 19-A M.R.S. § 4007(2) (2017).¹ The Webbers challenge (1) the court's evidentiary ruling that allowed Priscilla to testify to her opinion about two of her siblings' mental states as a result of the abuse and (2) the sufficiency of the evidence supporting its finding of abuse. Contrary to the Webbers' contention, the court was well within its discretion to admit the opinion testimony that was based on direct perceptions of the siblings' emotional states and helped the court to understand the witness's testimony. M.R. Evid. 701; see *State v. Engstrom*, 453 A.2d 1170, 1172 (Me. 1982); *State v. Lagasse*, 410 A.2d 537, 543 (Me. 1980). The court's finding that the Webbers abused Priscilla and her siblings in the past was not clearly erroneous, and the issuance of the extended order was well within the court's discretion. We affirm.

¹ Grindle's standing to bring a protection action on behalf of her siblings—a point not challenged on appeal by the Webbers—is established by a guardianship order issued by the Probate Court and reviewed by the District Court during the hearing. See 19-A M.R.S. § 4005(1) (2017); 22 M.R.S. § 4002(9) (2017).

The entry is:

Judgment affirmed.

Zachary Brandmeir, Esq., Bangor, for appellants Laura and David Webber

Aaron Fethke, Esq., Fethke Law Offices, Searsport, for appellee Priscilla Grindle

Belfast District Court docket numbers PA-2016-35 and PA-2016-36
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