

STATE OF MAINE

v.

STEPHEN T. BARD

Argued November 6, 2019
Decided November 14, 2019

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

MEMORANDUM OF DECISION

Stephen T. Bard appeals from a judgment of conviction of assault (Class D), 17-A M.R.S. § 207(1)(A) (2018), entered by the trial court (Kennebec County, *Stokes, J.*) following a jury trial. Contrary to Bard's contention, the court did not err in imposing a sentence of one-half of the statutory maximum for his offense, 17-A M.R.S. §§ 1252(2)(D), 1301(1-A)(D) (2018), because on this record the court did not rely on any separate conduct for which Bard was acquitted when imposing sentence. *See State v. Witmer*, 2011 ME 7, ¶ 24, 10 A.3d 728.

The entry is:

Judgment affirmed.

Brad C. Grant, Esq. (orally), Ferris, Gurney, Grant & Crook PA, Waterville, for appellant Stephen T. Bard

Meaghan Maloney, District Attorney, Tracy McCarthy, Asst. Dist. Atty., and Lauren S. Kaiser (orally), Student Atty., Prosecutorial District IV, Augusta, for appellee State of Maine

Kennebec County Unified Criminal Docket docket number CR-2017-2575
FOR CLERK REFERENCE ONLY