

STATE OF MAINE

v.

BEVELYN Z. BEATTY

Argued April 9, 2019

Decided May 7, 2019

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

MEMORANDUM OF DECISION

Bevelyn Z. Beatty appeals from a judgment of conviction of assault (Class D), 17-A M.R.S. § 207(1)(A) (2018), entered by the court (Penobscot County, *A. Murray, J.*) after a jury trial. Contrary to Beatty's argument, the court did not commit obvious error in its jury instructions on self-defense. *See* 17-A M.R.S. § 108(1) (2018); M.R.U. Crim. P. 52(b); *State v. Hall*, 2017 ME 210, ¶¶ 26-28, 172 A.3d 467; *State v. Ouellette*, 2012 ME 11, ¶¶ 8-9, 11, 37 A.3d 921; *State v. Pabon*, 2011 ME 100, ¶¶ 34-36, 28 A.3d 1147; *State v. Smith*, 472 A.2d 948, 950 (Me. 1984); Alexander, *Maine Jury Instruction Manual* § 6-58 (2017-18 ed. 2017). The irrelevant instruction regarding unlawful discrimination in public accommodations requested by the State and not objected to by Beatty, was, at most, harmless error. *See* 5 M.R.S. § 4592(1) (2018); M.R.U. Crim. P. 52; *Pabon*, 2011 ME 100, ¶¶ 34-36, 28 A.3d 1147. There was also sufficient evidence for a jury to rationally find beyond a reasonable doubt that Beatty was not acting in self-defense when she repeatedly punched the victim in the face. *See* 17-A M.R.S. § 108(1); *State v. Dorweiler*, 2016 ME 73, ¶ 6, 143 A.3d 114; *Ouellette*, 2012 ME 11, ¶¶ 11, 17, 37 A.3d 921.

The entry is:

Judgment affirmed.

Robert Van Horn, Esq. (orally), Van Horn Law Office, Ellsworth, for appellant
Bevelyn Z. Beatty

Marianne Lynch, District Attorney, and Chris Ka Sin Chu, Asst. Dist. Atty.
(orally), Prosecutorial District V, Bangor, for appellee State of Maine

Penobscot County Unified Criminal Docket docket number CR-2017-2585
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