

STATE OF MAINE

v.

MICHAEL BERNIER JR.

Argued May 14, 2019  
Decided May 21, 2019

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

MEMORANDUM OF DECISION

Michael Bernier Jr. appeals from a judgment of conviction for domestic violence assault (Class D), 17-A M.R.S. § 207-A(1)(A) (2018), entered in the Unified Criminal Docket (Sagadahoc County, *Billings, J.*) following a jury trial. We affirm the judgment.

Given the nature of the objection presented at trial and the contentions Bernier has articulated on appeal, the court did not abuse its discretion when it permitted the State to present evidence that was responsive to Bernier's testimony about his relationship with his family members and his conduct toward them. *See State v. Hall*, 2017 ME 210, ¶¶ 15, 19, 172 A.3d 467; *State v. Kirk*, 2005 ME 60, ¶¶ 10-12, 873 A.2d 350. Further, there was sufficient evidence for the jury to conclude beyond a reasonable doubt that Bernier's conduct was not excused pursuant to the parental-control justification, 17-A M.R.S. § 106(1) (2018). *See State v. Treadway*, 2014 ME 124, ¶¶ 8-9, 103 A.3d 1026. Finally, the court's supplemental instruction in response to the jury's question about the parental-control justification was not erroneous. *See State v. Delano*, 2015 ME 18, ¶ 13, 111 A.3d 648.

The entry is:

Judgment affirmed.

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James M. Mason, Esq. (orally), Handelman & Mason LLC, Brunswick, for appellant Michael Bernier, Jr.

Natasha C. Irving, District Attorney, and Alvah J. Chalifour, Jr., Asst. Dist. Atty. (orally), District Attorney's Office, Bath, for appellee State of Maine

Sagadahoc County Unified Criminal Docket docket number CR-2017-933  
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