

STATE OF MAINE

v.

ADAM C. FASANO

Argued May 7, 2019
Decided May 23, 2019

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

MEMORANDUM OF DECISION

Adam C. Fasano appeals from a judgment of conviction for domestic violence assault (Class C), 17-A M.R.S. § 207-A(1)(B)(1) (2018); refusing to submit to arrest or detention (Class D), 17-A M.R.S. § 751-B(1)(B) (2018); and criminal mischief (Class D), 17-A M.R.S. § 806(1)(A) (2018), entered in the Unified Criminal Docket (Androscoggin County, *Delahanty, ARJ.*) after a jury trial. We affirm the judgment.

Because Fasano did not request the court to instruct the jury on specific unanimity regarding the evidence supporting the charges, we review the jury instructions given by the court for obvious error. *See State v. Elliott*, 2010 ME 3, ¶ 22, 987 A.2d 513 (stating that when a party fails to object, “we review for obvious error to determine whether the instructions given were incorrect and whether they resulted in a seriously prejudicial error tending to produce a manifest injustice”). Contrary to Fasano’s contention on appeal, even if an

* Justice Hjelm did not sit at oral argument but participated in the development of the opinion. *See* M.R. App. P. 12(a)(2).

instruction on specific unanimity would have been warranted based on the evidence, the court did not obviously err by not providing such an instruction on its own initiative. *Id.*; *see also, e.g., State v. Hanscom*, 2016 ME 184, ¶¶ 9, 12, 152 A.3d 632; *State v. Fortune*, 2011 ME 125, ¶ 31, 34 A.3d 1115.

The entry is:

Judgment affirmed.

Rory A. McNamara, Esq. (orally), Drake Law, LLC, Berwick, for appellant Adam C. Fasano

Andrew S. Robinson, District Attorney, and Lisa R. Bogue, Asst. Dist. Atty. (orally), District #3, Lewiston, for appellee State of Maine

Androscoggin County Unified Criminal Docket docket number CR-2017-3890
FOR CLERK REFERENCE ONLY