

DYLAN HOMEN

v.

MORGAN ELWELL

Submitted on Briefs September 10, 2019  
Decided September 17, 2019

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

#### MEMORANDUM OF DECISION

Morgan Elwell appeals from a protection from harassment order entered against her in the District Court (Bangor, *Campbell, J.*) on a complaint filed by Dylan Homen. Contrary to Elwell's contention to the extent it was preserved for appellate review, the court's evidentiary determinations did not constitute an abuse of discretion. *See* M.R. Evid. 402, 801(d)(2)(A), 901(a); *Levesque v. Cent. Me. Med. Ctr.*, 2012 ME 109, ¶ 16, 52 A.3d 933. Additionally, the court's finding that Elwell had committed an act of harassment against Homen within the meaning of 5 M.R.S. § 4651(2)(C) (2018),<sup>1</sup> *see* 17-A M.R.S. § 511-A (2018), was supported by competent evidence in the record. *See Gehrke v. Gehrke*, 2015 ME 58, ¶ 8, 115 A.3d 1252; *Patane v. Brown*, 2002 ME 47, ¶¶ 11-12, 14, 792 A.2d 1086.

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<sup>1</sup> Title 5 M.R.S. § 4651(2)(C) was amended approximately one month before the issuance of the protection order in this case. *See* P.L. 2017, ch. 455, § 1 (effective Dec. 13, 2018) (codified at 5 M.R.S. § 4651(2)(C) (2018)). The amendment has no bearing on this appeal.

The entry is:

Judgment affirmed.

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Dylan Homen did not file a brief

Bangor District Court docket number PA-2018-613  
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