

PAT DOE¹

v.

RICKY E. WOODWARD

Submitted on Briefs February 26, 2020
Decided March 5, 2020

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Ricky E. Woodward appeals from a protection from abuse order entered by the District Court (Newport, *Jordan, J.*) on a complaint filed by Pat Doe on behalf of herself and the parties' two minor children. We are unpersuaded by Woodward's arguments. First, we need not reach Woodward's contention that the court abused its discretion by admitting evidence regarding Woodward's violence toward a dog because Woodward has not demonstrated either that the evidence was irrelevant or that it was a factor in the court's decision. *See* M.R. Civ. P. 61; *Steadman v. Pagels*, 2015 ME 122, ¶ 24, 125 A.3d 713. Second, Woodward's argument that the court should have considered the parental control justification defense has not been properly preserved for appellate review; although Woodward testified at the hearing on Doe's complaint that some of his actions toward his children were disciplinary in nature, at no point did he raise the parental control justification defense or assert that it applied as a matter of statutory or constitutional law. *See Smith v. Hawthorne*, 2002 ME 149, ¶¶ 21-22, 804 A.2d 1133. Moreover, had the defense been

¹ In accordance with the Violence Against Women Act, 18 U.S.C.S. § 2265(d)(3) (LEXIS through Pub. L. No. 116-108), we employ the pseudonym "Pat Doe" for the plaintiff in this matter.

formally raised, the record contains sufficient evidence to support the court's finding of abuse notwithstanding the defense. *See Walton v. Ireland*, 2014 ME 130, ¶¶ 22-23, 104 A.3d 883; *see also Doe v. Tierney*, 2018 ME 101, ¶ 15, 189 A.3d 756.

The entry is:

Judgment affirmed.

Beth L. Seaney, Esq., Austin Law Offices, P.C., Dexter, for appellant Ricky E. Woodward

Pat Doe did not file a timely brief

Newport District Court docket number PA-2019-137
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