

STATE OF MAINE

v.

DEVON ESPLING

Argued on October 6, 2021

Decided October 28, 2021

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

MEMORANDUM OF DECISION

Devon Espling appeals from a judgment convicting him of aggravated assault (Class B), 17-A M.R.S. § 208(1)(B) (2021), and violation of condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2021), entered by the trial court (Aroostook County, *Stewart, J.*) after a jury-waived trial. Contrary to Espling's contention, we review the trial court's determination that the State proved that Espling did not act in self-defense for clear error. *See State v. Ricky G.*, 2000 ME 190, ¶ 5, 760 A.2d 1065; *State v. Gurney*, 2012 ME 14, ¶ 46, 36 A.3d 893; *State v. Nadeau*, 2007 ME 57, ¶ 10, 920 A.2d 452. The court did not err because competent evidence in the record supports its findings that Espling's beliefs—that deadly force was necessary and that the victim was about to use deadly force against Espling—were unreasonable. 17-A M.R.S. § 108(2)(A) (2021); *see Wells v. Powers*, 2005 ME 62, ¶ 2, 873 A.2d 361.

The entry is:

Judgment affirmed.

John W. Tebbetts, Esq. (orally), Tebbetts Law Office, LLC, Presque Isle, and
Jeremiah M McIntosh, Esq., McIntosh Law, Washburn, for appellant Devon
Espling

Todd Collins, District Attorney, and Christiana Rein, Asst. Dist. Atty. (orally),
Aroostook County, for appellee State of Maine

Aroostook County Unified Criminal Docket docket number CR-2019-558
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