

STATE OF MAINE

v.

JOSHUA C. MCAULIFFE

Submitted on Briefs October 18, 2023
Decided October 26, 2023

Panel: STANFILL, C.J., and JABAR, HORTON, CONNORS, LAWRENCE, and
DOUGLAS, JJ.

MEMORANDUM OF DECISION

Joshua C. McAuliffe appeals from a judgment of the trial court (Penobscot County, *A. Murray, J.*) sentencing him to twenty years of imprisonment with all but ten years suspended¹ after he pleaded guilty to domestic violence elevated aggravated assault (Class A), 17-A M.R.S. § 208-E (2020),² and endangering the welfare of a child (Class D), 17-A M.R.S. § 554(1)(C) (2020). McAuliffe challenges the legality of this sentence, arguing that the sentence is unconstitutionally disproportionate to the offenses. We discern no error where the trial court properly considered the nature of the offense and the goals of sentencing. *See* Me. Const. art. I, § 9; *State v. Hoover*, 2017 ME 158, ¶ 26, 169 A.3d 904; *State v. Lopez*, 2018 ME 59, ¶ 16, 184 A.3d 880. Nor is the sentence disproportionate compared to sentences of comparable offenders, given that

¹ McAuliffe was also sentenced to six years of probation on the conviction for domestic violence elevated aggravated assault and a concurrent term of 364 days in jail on the conviction for endangering the welfare of a child. He does not appeal those aspects of his sentence.

² Title 17-A M.R.S. § 208-E has since been amended but not in any way that affects this appeal. *See* P.L. 2021, ch. 647, §§ B-20, B-65 (effective Jan. 1, 2023) (codified at 17-A M.R.S. § 208-E (2023)).

the offense involved domestic violence and was committed in the presence of children. *See State v. Stanislaw*, 2013 ME 43, ¶ 34, 65 A.3d 1242.

The entry is:

Judgment affirmed.

Hunter J. Tzovarras, Esq., Bangor, for appellant Joshua C. McAuliffe

R. Christopher Almy, District Attorney, and Mark A. Rucci, Dep. Dist. Atty.,
Prosecutorial District V, Bangor, for appellee State of Maine

Penobscot County Unified Criminal Docket docket number CR-2020-2931
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