

STATE OF MAINE

v.

DANA A. JAMESON

Submitted on Briefs February 21, 2024
Decided February 29, 2024

Panel: MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Dana A. Jameson appeals from the trial court's (Aroostook County, *Nelson, J.*) denial of his motion for a new trial following his conviction for domestic violence assault (Class D). *See* 17-A M.R.S. § 207-A(1)(A) (2020).¹ Jameson argues that he is entitled to a new trial because the court failed to reasonably accommodate his hearing impairment. *See State v. Doucette*, 398 A.2d 36, 40 (Me. 1978).

We disagree. The court did not obviously err by failing to declare a mistrial when it first learned that Jameson was having trouble hearing masked speakers. *See State v. Daluz*, 2016 ME 102, ¶ 48, 143 A.3d 800; M.R.U. Crim. P. 52(b). At that time, Jameson assured the court that he could hear and understand the trial, and he did not request a listening device or other accommodations. The record does not compel contrary findings. *See State v. Gurney*, 2012 ME 14, ¶ 46, 36 A.3d 893; *Daluz*, 2016 ME 102, ¶ 44, 143 A.3d

¹ The Legislature has amended the domestic violence assault statute since the events giving rise to Jameson's conviction occurred. *See, e.g.*, P.L. 2023, ch. 465, §§ 2, 3 (effective Oct. 25, 2023) (codified at 17-A M.R.S. § 207-A (2023)). These amendments do not affect the present appeal.

800. The court therefore did not abuse its discretion by denying Jameson's motion for a new trial. *Daluz*, 2016 ME 102, ¶ 44, 143 A.3d 800.

The entry is:

Judgment affirmed.

Michelle R. King, Esq., Irwin & Morris, Portland, for appellant Dana A. Jameson

Todd R. Collins, District Attorney, and Matthew A. Hunter, Asst. Dist. Atty., 8th Prosecutorial District, Presque Isle, for appellee State of Maine

Aroostook County Unified Criminal Docket docket numbers CR-2020-30424 and CR-2023-30067
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