

CHARLES E. PRINN IV

v.

JANICE M. BANCROFT

Argued September 20, 2006  
Decided September 28, 2006

Panel: SAUFLEY, C.J., and ALEXANDER, CALKINS, LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

Janice M. Bancroft appeals from an order entered in the Superior Court (Cumberland County, *Delahanty, J.*) denying her motion for a new trial following a judgment awarding damages to Charles E. Prinn IV in a negligence action stemming from a motor vehicle accident. Contrary to Bancroft's argument, any error in the exclusion of Prinn's hospital record from evidence pursuant to 16 M.R.S. § 357 (2005) was harmless because Prinn testified at trial that he told the hospital personnel that the accident was his fault. M.R. Evid. 103(a); M.R. Civ. P. 61; *see Trott v. McPherson*, 551 A.2d 854, 856 (Me. 1988). Furthermore, the trial court did not abuse its discretion when it denied Bancroft's motion for a mistrial,

*Sheltra v. Rochefort*, 667 A.2d 868, 871 (Me. 1995), or when it refused to give a requested instruction to the jury, *Advanced Construction Corp. v. Pilecki*, 2006 ME 84, ¶¶ 19-21, 901 A.2d 189, 196-97.

The entry is:

Judgment affirmed.

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