

STATE OF MAINE

v.

PEDRO SANTIAGO

Submitted on Briefs December 20, 2006  
Decided January 25, 2007

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

MEMORANDUM OF DECISION

Pedro Santiago appeals from a judgment of conviction for murder, 17-A M.R.S. § 201(1) (2006), entered after a jury trial in the Superior Court (Cumberland County, *Bradford, A.R.J.*). Contrary to Santiago's contentions, the failure of the court to instruct the jury on the defense of justification for the use of nondeadly force, 17-A M.R.S. § 108(1) (2006), and the failure to give an instruction on the defense that his conduct was involuntary, 17-A M.R.S. § 103-B(1) (2006), when neither instruction was requested, did not amount to obvious error. *See State v. Erskine*, 2006 ME 5, ¶ 12, 889 A.2d 312, 316. Nor was it obvious error for the court to have instructed the jury on the defense of the use of

deadly force, 17-A M.R.S. § 108(2) (2006). *See Erskine*, 2006 ME 5, ¶ 12, 889 A.2d at 316. Further, the court did not act beyond its discretion or commit clear error when it excluded the testimony of a defense witness on the basis that it was impermissible character evidence. *See* M.R. Evid. 404(b); *State v. Willette*, 2002 ME 165, ¶ 15, 809 A.2d 617, 622.

The entry is:

Judgment affirmed.

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