

STATE OF MAINE

v.

JOHN CLINTON FRANK III

Submitted on Briefs April 30, 2009

Decided May 5, 2009

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

MEMORANDUM OF DECISION

John Clinton Frank III appeals from a judgment entered in the Superior Court (Cumberland County, *Cole, J.*) on a jury verdict convicting him of assault (Class D), 17-A M.R.S. § 207(1)(A) (2008), obstructing report of crime or injury (Class D), 17-A M.R.S. § 758(1)(A) (2008), and terrorizing (Class D), 17-A M.R.S. § 210(1)(A) (2008). Contrary to Frank's contention, statements made by the court during his trial were not so highly prejudicial or calculated that they amounted to a manifest error or serious injustice. *See State v. Bachelder*, 403 A.2d 754, 760 (Me. 1979). In addition, the court's exclusion of certain testimony was not clearly erroneous or an abuse of discretion. *State v. Mills*, 2006 ME 134, ¶ 8, 910 A.2d 1053, 1056.

The entry is:

Judgment affirmed.

Attorney for John Clifton Frank III:

Justin W. Andrus, Esq.
14 Lincoln Street
Brunswick, Maine 04011

Attorneys for the State of Maine:

Stephanie Anderson, District Attorney
Julia Sheridan, Asst. Dist. Atty.
Prosecutorial District No. Two
142 Federal Street
Portland, Maine 04101