

JOHN D. WOOD, on behalf of JESSE WOOD

v.

DENNIS MOODY SR.

Submitted on Briefs April 29, 2010
Decided May 4, 2010

Panel: SAUFLEY, C.J., and LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Dennis Moody Sr. appeals from a judgment of the District Court (Machias, *Romei, J.*) granting a protection from harassment order to John D. Wood on behalf of his son, Jesse Wood. Contrary to Moody's contentions, Wood's complaint alleged a single act that constituted a violation of 17-A M.R.S. § 209 (2009), upon which relief could be granted, *see* 5 M.R.S. §§ 4651(2)(C), 4655 (2009), and, "defer[ring] to the trial court's assessment of the witnesses and exhibits, including all reasonable inferences that may be drawn from the evidence," *Jacobs v. Jacobs*, 2007 ME 14, ¶ 9, 915 A.2d 409, 411, there was sufficient evidence to support the court's judgment, *see Cates v. Donahue*, 2007 ME 38, ¶ 9, 916 A.2d 941, 943. Moody also argues that the court should have required proof beyond a reasonable doubt of the single act of harassment; however, he did not preserve this issue for appellate review. *See Verizon New England, Inc. v. Pub. Utils. Comm'n*, 2005 ME 16, ¶ 15, 866 A.2d 844, 849-50. We review this unpreserved issue for obvious error and discern none. *See In re Joshua B.*, 2001 ME 115, ¶¶ 9-11, 776 A.2d 1240, 1243-44; *Morey v. Stratton*, 2000 ME 147, ¶¶ 10-11, 756 A.2d 496, 499.

The entry is:

Judgment affirmed.

Attorney for Dennis Moody Sr.:

Dale F. Thistle, Esq.
Law Office of Dale F. Thistle
PO Box 160
Newport, Maine 04953

Attorney for John Wood:

Toff Toffolon, Esq.
PO Box 58
Machias, Maine 04654

Machias District Court docket number PA-2009-97
FOR CLERK REFERENCE ONLY