

KECIA N. REYNOLDS

v.

NICHOLAS P. BOUTIN

Submitted on Briefs November 17, 2022

Decided November 29, 2022

Panel: STANFILL, C.J., and MEAD, JABAR, CONNORS, and LAWRENCE, JJ.

MEMORANDUM OF DECISION

Kecia N. Reynolds appeals from a judgment of the District Court (Portland, *Kelly, J.*) denying her petition for an order of protection from abuse, on behalf of herself and her two minor children, against Nicholas P. Boutin. Contrary to her contentions, the court did not misconstrue 19-A M.R.S. § 4002(1)(A) (2022) in reaching its decision, *see Doe v. Roe*, 2022 ME 39, ¶ 18, 277 A.3d 369; *Stein v. Me. Crim. Just. Acad.*, 2014 ME 82, ¶ 17, 95 A.3d 612, and the evidence did not compel the court to find that Boutin “cause[ed] bodily injury or offensive physical contact” to Reynolds or her children, 19-A M.R.S. § 4002(1)(A); *see Handrahan v. Malenko*, 2011 ME 15, ¶ 13, 12 A.3d 79; *Bergin v. Bergin*, 2019 ME 133, ¶ 13, 214 A.3d 1071. Nor did the court commit obvious error and violate due process in explaining either its reluctance to admit child testimony or its need to determine with whom each child had spoken in order to better assess their credibility, even if those explanations affected Reynolds’s trial strategy.¹ *See Nadeau v. Nadeau*, 2008 ME 147, ¶ 29, 957 A.2d 108.

¹ Here, Reynolds ultimately made a tactical decision not to call her children to testify and did not raise a due process issue at trial over the children not testifying.

The entry is:

Judgment affirmed.

Wenonah M. Wirick, Esq., Conley & Wirick, P.A., Bath, for appellant Kecia N. Reynolds

Joe Lewis, Esq., Port City Legal, Portland, for appellee Nicholas P. Boutin

Portland District Court docket number PA-2022-113
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