

STATE OF MAINE

v.

JOSEPH CAMP

Submitted on Briefs January 28, 2000
Decided February 14, 2000

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

MEMORANDUM OF DECISION

Joseph Camp appeals from a judgment of conviction entered in the Superior Court (Androscoggin County, *Crowley, J.*) following a jury trial in which he was found guilty of assault against his wife. *See* 17-A M.R.S.A. § 207 (1983). Contrary to the contentions of Camp, (1) there was no error demonstrated in the trial court's exclusion at trial of evidence of the content of the ongoing arguments between Camp and his wife prior to the assault, *see Pratt v. Freese's, Inc.*, 438 A.2d 901, 905 (Me 1981); M.R. Evid. 103(a)(2); (2) there was no error in the court's exclusion of evidence about a pact between Camp and his wife that they would refrain from drinking alcohol, *see* M.R. Evid. 401; (3) if there was any error in the exclusion of evidence concerning statements made by Camp's wife during counseling sessions at which Camp was present, the error was harmless, *see Gasson v. St. Pierre*, 1998 ME 41, ¶ 4, 706 A.2d 602, 603; *State v. Eirby*, 663 A.2d 36, 38 (Me. 1995); and (4) there was neither error nor abuse of

discretion in the admission in evidence of a photograph taken the day following the assault showing bruising on the face of Camp's wife. *See* M.R. Evid. 901(b)(1); M.R. Evid. 403.

The entry is:

Judgment affirmed.

Attorneys for State:

Norman R. Croteau, District Attorney
Kevin J. Regan, Asst. Dist. Atty.
2 Turner Street
Auburn, ME 04210

Attorney for defendant:

Donald S. Hornblower, Esq.
Hornblower & Lynch, P.A.
P O Box 116
Lewiston, ME 04243-0116