

MARK MERCIER o/b/o Savannah and Lloyd Bachelder

v.

MARY ANNE BACHELDER DUNCAN

Submitted on Briefs November 21, 2001  
Decided November 28, 2001

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

#### MEMORANDUM OF DECISION

Mary Duncan appeals from an order for protection from abuse entered against her in the District Court (Skowhegan, *Clapp, J.*). Contrary to Duncan's contentions, (1) sufficient evidence exists in the record to support a finding of abuse by a preponderance of the evidence, *see* 19-A M.R.S.A. §§ 4002(1)(D), 4007(1) (1998 & Supp. 2000); (2) the court did not abuse its discretion in excluding evidence regarding Duncan's state of mind, *see* M.R. Evid. 401; *State v. Tomah*, 1999 ME 109, ¶ 7, 736 A.2d 1047, 1050; and (3) the court committed no obvious error in considering facts that occurred subsequent to the filing of the complaint for protection from abuse, *see* M.R. Evid. 103(e); *State v. Lambert*, 528 A.2d 890, 893 (Me. 1987).

The entry is:

Judgment affirmed.

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