

STATE OF MAINE

v.

RICKY K. POMEROY

Submitted on Briefs November 30, 2001
Decided December 12, 2001

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

MEMORANDUM OF DECISION

Ricky Pomeroy appeals from a judgment of conviction of assault (Class D), 17-A M.R.S.A. § 207 (1983 & Supp. 2000), entered after a jury trial in Superior Court (Hancock County, *Pierson, J.*). On appeal, Pomeroy argues that the court should have instructed the jury on his competing harms defense pursuant to 17-A M.R.S.A. § 103 (1983), which was premised on his claim that he assaulted his girlfriend to prevent her from driving under the influence. Contrary to Pomeroy's contention, the court did not err in refusing to give the requested instruction because the evidence, taken in the light most favorable to Pomeroy, was not sufficient to place the competing harms justification in issue. *See State v. Caswell*, 2001 ME 23, ¶¶ 11-12, 771 A.2d 375, 378-79.

The entry is:

Judgment affirmed.

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