

STATE OF MAINE

v.

DAVID G. FLEMING

Submitted on Briefs January 17, 2002
Decided January 31, 2002

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

MEMORANDUM OF DECISION

David Fleming appeals from a judgment of conviction entered after a jury trial in the Superior Court (Knox County, *Mead, J.*) on one count of assault on a corrections officer, (Class C), 17-A M.R.S.A. § 752-A (1983 & Supp. 2001). Fleming claimed self-defense. At the time of the offense, Fleming was incarcerated in Maine's "super-maximum" correctional facility. 17-A M.R.S.A. § 108 (1983 & Supp. 2001). Contrary to his contention, the court did not exceed its discretion in limiting the cumulative evidence of the atmosphere at the facility because Fleming presented, through his own testimony and that of other witnesses, substantial evidence as to the conditions of confinement and the relationships and atmosphere among the guards and prisoners at the facility. Furthermore, if there was error, it was harmless because it is highly probable that it did not affect the jury's verdict. *See State v. Stanley*, 2000 ME 22, ¶ 12, 745 A.2d 981, 985.

The entry is:

Judgment affirmed.

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