

[REDACTED]

the charge: "In deciding what the facts are, of course you will not give any more weight to the testimony of a witness due to one's race or color, or one's particular station in life, because that has, as you know, no relevancy here at all." Although on the facts of this case the defendant's requested instructions could properly have been given, we find no error. The court's instruction did not contain an incorrect statement of the law and did not omit an essential element of the case. The trial judge did not give a special instruction on the defendant's credibility, and there was no prosecutorial overreaching as in *United States v. Reid*, 410 F.2d 1223 (7th Cir. 1969), relied upon by the defendant. "It was within the trial court's sound discretion to determine 'whether an instruction on a particular issue is necessary to assist the jury in making its verdict.'" *State v. Meloon*, 119 N.H. 79, 80, 397 A.2d 1041, 1043 (1979), quoting *Fusegni v. Portsmouth Housing Authority*, 114 N.H. 207, 209, 317 A.2d 580, 582 (1974).

*Exceptions overruled.*

[REDACTED]

Ossipee District Court  
No. 78-260

WILLIAM LEIGHTON AND SUSAN LEIGHTON

v.

DANIEL DAVIS AND JAMES H. HALL, JR.

February 28, 1979

[REDACTED]

[REDACTED]

*Raymond A. Burgess*, of Manchester, by brief and orally, for the plaintiffs.

*William P. Shea*, of Sanbornville (*Edward J. Mertens, II* orally), for the defendants.

## MEMORANDUM OPINION

This is an appeal from the Ossipee District Court's verdict for the plaintiffs in the amount of \$786.00. The case was submitted on an agreed statement of facts. The defendants' exceptions were transferred by *Fawver, J.*

Plaintiffs initiated an action in Maine in 1976, and after defendants failed to answer a default was entered. A special appearance was filed nine days after the default by New Hampshire counsel together with a letter indicating that Maine counsel would also appear. A month later, Maine defense counsel entered a general appearance, which was never withdrawn. Defendants then filed a motion to dismiss for lack of jurisdiction in Maine. After the defendants failed to appear at a hearing on that motion and plaintiffs' motion for determination of damages, judgment was entered for the plaintiffs. Plaintiffs then filed suit in New Hampshire to collect the judgment obtained in Maine. The Ossipee District Court held that the Maine judgment was entitled to full faith and credit.

Because counsel for the defendants entered a general appearance, defendants submitted themselves to the jurisdiction of the Maine courts. They are estopped from attempting to relitigate the jurisdictional issues at this time. Defendants' remedy was to seek to change their general appearance to a special appearance on the ground of mistake and to appeal the decision on jurisdiction in the Maine court system. Had defendants' counsel done nothing in Maine, defendants may have been in a better posture, but we must deal with the case on the facts before us. *See Baillargeon v. Brodhead Ford Sales, Inc.*, 118 N.H. 790, 394 A.2d 325 (1978).

The judgment is entitled to full faith and credit because defendants voluntarily appeared before the Maine Court. *See Old Wayne Life Ass'n v. McDonough*, 204 U.S. 8 (1906).

*Exceptions overruled.*