

STATE OF MAINE

v.

WALTER P. STEWART

Submitted on Briefs October 27, 2011
Decided November 15, 2011

Panel: SAUFLEY, C.J., and LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Walter P. Stewart appeals from his conviction of reckless conduct (Class C), 17-A M.R.S. § 211(1), aggravated assault (Class B), 17-A M.R.S. § 208(1)(B), criminal threatening (Class C), 17-A M.R.S. § 209(1), and criminal OUI (Class D), 29-A M.R.S. § 2411(1-A), entered in Superior Court (Aroostook County, *Hunter, J.*) after a jury-waived trial. Contrary to Stewart’s contentions, the trial court did not err in finding that Stewart failed to prove an insanity defense by a preponderance of the evidence. *See State v. Lane*, 532 A.2d 144, 145 (Me. 1987) (providing that in order to prevail on appeal, the defendant must make “a strong showing that no factfinder acting reasonably could conclude otherwise than that [he] lacked criminal responsibility”); *accord State v. Losier*, 574 A.2d 887, 887-88 (Me. 1990). Competent evidence supports the court’s conclusion that Stewart did not suffer from the type or degree of “‘mental disease or defect’ . . . that grossly and demonstrably impair[ed] [his] perception or understanding of reality” at the time of the criminal conduct. 17-A M.R.S. § 39(2) (2008).

The entry is:

Judgment affirmed.

On the briefs:

Alan F. Harding, Esq., Hardings Law Office, Presque Isle, for appellant
Walter Stewart

Todd R. Collins, District Attorney, Carrie L. Linthicum, Dep. Dist. Atty.,
Presque Isle, for appellee State of Maine

Aroostook County Superior Court docket number CR-2008-42
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