

TABITHA A. COOPER o/b/o C.S.

v.

CORY KIBBE

Submitted on Briefs November 7, 2011

Decided November 29, 2011

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

MEMORANDUM OF DECISION

Cory Kibbe appeals from the judgment of the District Court (Waterville, *Oram, J.*) finding him to have engaged in harassment of Tabitha A. Cooper's minor daughter, C.S., and entering a protection from harassment order, 5 M.R.S. § 4655 (2010), prohibiting him from harassing C.S., contacting her, or being in the vicinity of her home, school, business, or place of employment. Kibbe contends that the evidence was insufficient to support the court's harassment finding.

In reaching its findings and conclusions, the court is permitted to consider both circumstantial evidence and direct evidence. *See State v. Medeiros*, 2010 ME 47, ¶ 17, 997 A.2d 95. Further, in our review of the court's findings, we must consider the available evidence in the record and inferences that may reasonably be drawn from that evidence, most favorably to the trial court's findings and conclusions. *See State v. Connor*, 2009 ME 91, ¶ 9, 977 A.2d 1003. Reviewing the trial court's findings and conclusions from that perspective, the record fully supports the trial court's judgment.

The entry is:

Judgment affirmed.

On the briefs:

Sherry Tash, Esq., Hainke & Tash, Whitefield, for appellant Cory Kibbe

Tabitha Cooper did not file a brief.