

STATE OF MAINE

v.

BENJAMIN A. MONTEITH

Submitted on Briefs December 1, 2011
Decided December 20, 2011

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

MEMORANDUM OF DECISION

Benjamin A. Monteith appeals from a judgment of conviction of theft by unauthorized taking or transfer (Class B), 17-A M.R.S. § 353(1)(A)(1) (2010), entered after a jury trial in the Superior Court (Aroostook County, *Cuddy, J.*). Contrary to Monteith's contention, the evidence, when viewed in the light most favorable to the State, was sufficient for a fact-finder to rationally find each element of the offense beyond a reasonable doubt. *State v. Ireland*, 2005 ME 48, ¶ 4, 870 A.2d 119. Specifically, using the inference provided in 17-A M.R.S. § 361-A(1) (2010), the jury could have rationally found beyond a reasonable doubt, using the circumstantial evidence presented by the State, *see State v. Bruzzese*, 2009 ME 61, ¶¶ 12-14, 974 A.2d 311, that Monteith was in exclusive possession of all of the stolen property. *See State v. Mower*, 407 A.2d 729, 732 (Me. 1979).

The entry is:

Judgment affirmed.

On the briefs:

Matthew A. Hunter, Esq., Presque Isle, for appellant Benjamin Monteith

John M. Pluto, Asst. Dist. Atty., Prosecutorial District No. 8, Caribou, for
appellee State of Maine

Aroostook County Superior Court docket number CR-2010-409
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