

STATE OF MAINE

v.

MANESSEH MASSALINE

Submitted on Briefs January 30, 2012
Decided March 8, 2012

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

MEMORANDUM OF DECISION

Manesseh Massaline appeals from a judgment of conviction following a jury trial in which he was found guilty of aggravated assault (Class B), 17-A M.R.S. § 208 (2011), aggravated criminal trespass (Class C), 17-A M.R.S. § 402-A (2011), and criminal threatening (Class D), 17-A M.R.S. § 209 (2011). Massaline contends that the evidence presented at trial was insufficient for the jury to return a guilty verdict for any of these crimes. We disagree and affirm the judgment.

Viewing the evidence in the light most favorable to the State, the jury was presented with sufficient evidence to find Massaline guilty, beyond a reasonable doubt, of aggravated assault, criminal threatening, and aggravated criminal trespass. *See State v. Cook*, 2010 ME 85, ¶ 7, 2 A.3d 333; *see also State v. Schmidt*, 2008 ME 151, ¶ 19, 957 A.2d 80 (noting that credibility determinations are the exclusive domain of the fact-finder). Contrary to Massaline's contention, evidence of serious bodily injury was not required for the jury to find him guilty of aggravated assault because, pursuant to section 208, "[b]odily injury to another with use of a dangerous weapon" also satisfies the requirements of the statute. 17-A M.R.S. § 208(1)(B). At trial, evidence was presented that Massaline had stabbed the victim with a knife and hit the victim with broken pieces of a wooden chair, which is sufficient to meet the requirement.

In addition, Massaline asserts that the jury could not have rationally concluded, beyond a reasonable doubt, that Massaline knew he was not licensed or

privileged to enter the apartment where the incident took place. *See* 17-A M.R.S. § 402-A(1). However, the jury is entitled to draw reasonable inferences from the evidence presented and circumstantial evidence is not inherently inferior. *State v. Stinson*, 2000 ME 87, ¶ 8, 751 A.2d 1011. Evidence was presented at trial that Massaline knocked when he first approached the apartment, but when the door opened, a fight between Massaline and the victim immediately ensued and spilled out of the apartment. After the fight temporarily ended, Massaline shoved the victim into the apartment, where the fight eventually continued. The witness who lived in the apartment did not recognize Massaline as anyone he knew and immediately fled the apartment upon encountering the fight. From this evidence, it was reasonable for the jury to infer that Massaline knew that neither the victim nor the resident of the apartment wanted him in the apartment, and therefore Massaline was not licensed or privileged to enter.

The entry is:

Judgment affirmed.

On the briefs:

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Manesseh Massaline

Stephanie Anderson, District Attorney, and Michael Madigan, Asst. Dist.
Atty., Prosecutorial District No. Two, Portland, for appellee State of Maine