

STATE OF MAINE

v.

MOHAMUD S. ABDULLAHI

Submitted on Briefs June 27, 2012

Decided July 10, 2012

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

MEMORANDUM OF DECISION

Mohamud S. Abdullahi appeals from a judgment of conviction of unlawful trafficking in scheduled W drugs (Class B), 17-A M.R.S. § 1103(1-A)(A) (2011) entered in the Unified Criminal Docket (Cumberland County, *Cole, J.*) following a jury trial. Conceding that all other elements of unlawful trafficking in a scheduled drug were proved, Abdullahi argues only that, based on the evidence presented by the State, the jury could not rationally find beyond a reasonable doubt that he knew or believed that the substance he possessed and was intending to sell was cocaine base rather than, as he had stated, soap.

Considering the evidence, and reasonable inferences that may be drawn therefrom, in the light most favorable to the State, *see State v. Milne*, 2011 ME 83, ¶ 2, 25 A.3d 943; *State v. Black*, 2000 ME 211, ¶ 14, 763 A.2d 109, a trier of fact could rationally have found, beyond a reasonable doubt, the essential element that Abdullahi knew or believed that the substance that he was trafficking was a scheduled drug, *see State v. Taylor*, 661 A.2d 665, 668 (Me. 1995) (“The factfinder may infer the defendant’s state of mind from his objective conduct.”) Although the evidence that establishes Abdullahi’s state of mind is circumstantial, circumstantial evidence may support a conviction. *See State v. Woo*, 2007 ME

151, ¶ 5, 938 A.2d 13 (“A conviction may be based on circumstantial evidence, even if inferences made from such evidence are contradicted by parts of the direct evidence.”). The fact “[t]hat the evidence is circumstantial does not mean that it is speculative; the jury may weigh the evidence regarding the intent element of the crime.” *State v. Krieger*, 2002 ME 139, ¶ 10, 803 A.2d 1026.

The entry is:

Judgment affirmed.

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**On the briefs:**

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Portland, for appellant Mohamud S. Abdullahi

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