

STATE OF MAINE

v.

JASON OUELLETTE

Submitted on Briefs February 7, 2012
Decided February 16, 2012

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

MEMORANDUM OF DECISION

Jason Ouellette appeals from a judgment entered on the Unified Criminal Docket (Bangor, *A. Murray, J.*) convicting him, after a nonjury trial, of burglary of a motor vehicle (Class D), 17-A M.R.S. § 405(1)(A) (2011). On appeal, Ouellette contends that the evidence was insufficient to establish that he was the person who entered the motor vehicle or that he had an intent to commit any crime therein.

Burglary of a motor vehicle is committed when a person enters a motor vehicle, knowing he is not licensed or privileged to do so, with the intent to commit a crime in the vehicle. *Id.* The State's evidence included a positive identification of Ouellette as the individual who entered and rummaged around in the vehicle. Based on this evidence, the court could find beyond a reasonable doubt that Ouellette entered the vehicle and, by rummaging through the vehicle, demonstrated an intent to commit the crime of theft in the vehicle.

These findings were sufficient to support the conviction even if there was no evidence that anything was taken from the vehicle. Unauthorized entry with an intent to commit theft is sufficient to support a burglary conviction, even when the intended theft is not completed by taking anything. *See State v. Rand*, 430 A.2d 808, 814 (Me. 1981).

The entry is:

Judgment affirmed.

On the briefs:

Hunter J. Tzovarras, Esq., Bangor, for appellant Jason Ouellette

R. Christopher Almy, District Attorney, and Susan J. Pope, Asst. Dist. Atty.,
Prosecutorial District V, Bangor, for appellee State of Maine