

STATE OF MAINE

v.

RANDALL C. BELYEA

Submitted On Briefs October 31, 2013

Decided November 19, 2013

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

MEMORANDUM OF DECISION

Randall C. Belyea appeals from a judgment of conviction of stalking (Class D), 17-A M.R.S. § 210-A (2012), entered after a bench trial in the District Court (*O'Mara, J.*). Contrary to Belyea'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. *See State v. Smen*, 2006 ME 40, ¶ 7, 895 A.2d 319. Because hung-up phone calls can constitute a form of communication, the record supported the court's finding that Belyea "communicated" with the victim and therefore engaged in an offending course of conduct under the statute. *See* 17-A M.R.S. § 210-A(2)(A). Further, the statute defines "emotional distress" as "mental or emotional suffering . . . as evidenced by anxiety, fear, torment or apprehension." *Id.* § 210-A(2)(D). Because the court found that the victim was bothered, nervous, and anxious as a result of Belyea's calls, competent evidence supported the court's finding that the victim suffered from emotional distress as defined by the statute.

The entry is:

Judgment affirmed.

On the briefs:

Torrey A. Sylvester, Esq., New Limerick, for appellant Randall C. Belyea

Todd R. Collins, District Attorney, and Kurt A. Kafferlin, Asst. Dist. Atty.,
Prosecutorial District 8, Houlton, for appellee State of Maine

Houlton District Court docket number CR-12-294
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