

STATE OF MAINE

v.

AUSTIN E. McEWEN

Submitted on Briefs January 28, 2014
Decided January 30, 2014

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

MEMORANDUM OF DECISION

Austin E. McEwen appeals from a judgment of conviction (Newport, *Fowle, J.*) on one count of domestic violence assault, Class D, 17-A M.R.S. § 207-A(1)(A) (2013). The trial court’s findings support “the assumption that the [fact-finder] found all the facts necessary to support the verdict.” *See State v. Levesque*, 479 A.2d 1302, 1303 (Me. 1984). A trial court is not required to “formulaically recite the process for considering a self-defense claim, as long as the court’s judgment demonstrates that it has properly applied the law and has held the State and the defendant to the proper burdens of production and persuasion.” *State v. Herzog*, 2012 ME 73, ¶ 11, 44 A.3d 307. The court found the victim’s account of the assault to be more reliable than McEwen’s, and the victim’s testimony did not include any facts that would support a self-defense or defense of property justification. The court’s statements on the record reflect that it properly rejected McEwen’s defenses and held the State to the proper burden of persuasion.

The entry is:

Judgment affirmed.

On the briefs:

William P. Logan, Esq., Irwin, Tardy & Morris, Newport, for
appellant Austin McEwen

R. Christopher Almy, District Attorney, and Tracy Collins
Lacher, Asst. Dist. Atty., Prosecutorial District V, Bangor, for
appellee State of Maine

Newport District Court docket number CR-2013-28
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