

STATE OF MAINE

v.

CODY BERRY

Argued September 10, 2014  
Decided September 30, 2014

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

MEMORANDUM OF DECISION

Cody Berry appeals from a judgment of conviction for terrorizing (Class D), 17-A M.R.S. § 210(1)(A) (2013), entered by the District Court (Newport, *Fowle, J.*) after a jury-waived trial. Reviewing the evidence in the light most favorable to the State, *see State v. Kittredge*, 2014 ME 90, ¶ 31, --- A.3d ---, we conclude that the evidence was sufficient to prove every element of the offense beyond a reasonable doubt, including the element that the natural and probable consequence of the threat was “to create reasonable apprehension in an ordinary hearer” that the threatened crime would be committed. *See State v. Ann Marie C*, 407 A.2d 715, 725 (Me. 1979), *overruled on other grounds by State v. Cloutier*, 678 A.2d 1040, 1042 (Me. 1996); *see also State v. Smen*, 2006 ME 40, ¶ 10, 895 A.2d 319 (holding that evidence was sufficient to sustain a conviction for terrorizing where the defendant threatened over the telephone to kill his estranged wife’s boyfriend).

The entry is:

Judgment affirmed.

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**On the briefs:**

Seth D. Harrow, Esq., Vafiades, Broutas & Kominsky, LLP,  
Bangor, for appellant Cody Berry

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

**At oral argument:**

Seth D. Harrow, Esq., for appellant Cody Berry

Susan J. Pope, Asst. Dist. Atty., for appellee State of Maine