

STATE OF MAINE

v.

CORY J. BELLEFEUILLE

Submitted on Briefs September 23, 2014
Decided September 30, 2014

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

MEMORANDUM OF DECISION

Cory J. Bellefeuille appeals from a judgment of conviction for domestic violence assault (Class D), 17-A M.R.S. § 207-A(1)(A) (2013), entered by the Superior Court (Franklin County, *Murphy, J.*) after a jury trial. Contrary to Bellefeuille's contentions, the court did not err by admitting evidence of his conduct in damaging a car shortly before assaulting his wife, over his objections pursuant to M.R. Evid. 403 and 404(b). *See Gierie v. Mercy Hosp.*, 2009 ME 45, ¶ 27, 969 A.2d 944 ("We afford a trial court wide discretion to determine whether the danger of unfair prejudice posed by relevant evidence substantially outweighs the value of proffered evidence under M.R. Evid. 403."); *State v. Huntley*, 681 A.2d 10, 13 (Me. 1996) (stating that Rule 404(b) does not prohibit the use of evidence of other crimes, wrongs, or acts when offered for purposes other than character evidence, such as motive or intent). The evidence at issue was relevant to the domestic violence assault charge and also to a terrorizing (Class D) charge, 17-A M.R.S. § 210(1)(A) (2013), that was pending before the jury at the time.

Further, there was sufficient evidence for the jury to find Bellefeuille guilty beyond a reasonable doubt of each element of domestic violence assault: (1) the parties stipulated that Bellefeuille and his wife were family members; (2) the State

presented evidence that Bellefeuille pushed his wife to the ground and struck her in the head with his hand; and (3) Bellefeuille's intent may be inferred from his actions and the surrounding circumstances. *See* 17-A M.R.S. §§ 207-A(1)(A), 207(1)(A) (2013) (setting out the elements of domestic violence assault); *State v. Medeiros*, 2010 ME 47, ¶ 16, 997 A.2d 95 (“[T]he fact-finder is permitted to draw all reasonable inferences from the evidence, and decide the weight to be given to the evidence and the credibility to be afforded to the witnesses.”); *State v. Schmidt*, 2008 ME 151, ¶ 21, 957 A.2d 80 (“[I]ntent can be inferred from the evidence.”).

The entry is:

Judgment affirmed.

On the briefs:

Thomas J. Carey, Esq., Vienna, for appellant Cory J. Bellefeuille

James A. Andrews, Asst. Dist. Atty., Franklin County District Attorney's Office, Farmington, for appellee State of Maine