

STATE OF MAINE

v.

DREW BIBBER

Submitted on Briefs October 13, 2016
Decided October 20, 2016

Panel: ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Drew Bibber appeals from a judgment of conviction of theft by unauthorized taking or transfer (Class B), 17-A M.R.S. § 353(1)(B)(1) (2015), entered in the trial court (Lincoln County, *Hjelm, J.*) after a jury trial. On appeal, Bibber challenges the sufficiency of the indictment. We conclude that the indictment was sufficient. *See State v. George*, 2012 ME 64, ¶ 28, 52 A.3d 903; *see also State v. Brasslett*, 451 A.2d 890, 893 (Me. 1982). Bibber also contends that the evidence was insufficient to support his conviction. When sufficiency of the evidence is challenged, we review the record evidence in the light most favorable to the State to determine whether the jury could rationally find each element of the offense beyond a reasonable doubt. *State v. Kittredge*, 2014 ME 90, ¶ 31, 97 A.3d 106. We recognize that the jury, as the fact-finder, is permitted to draw all reasonable inferences from the evidence and exclusively makes decisions as to the weight and credibility of evidence. *State v. Cook*, 2010 ME 85, ¶ 7, 2 A.3d 333. Based on the record, the jury could have found beyond a reasonable doubt each element of the charged offense.

The entry is:

Judgment affirmed.

On the briefs:

Jeremy Pratt, Esq., and Ellen Simmons, Esq., Camden, for appellant Drew Bibber

Matthew G. Kanwit, Asst. Dist. Atty., District Attorney's Office, Wiscasset, for appellee State of Maine