

STATE OF MAINE

v.

PHILIP M. CYR

Submitted on Briefs July 19, 2017
Decided July 27, 2017

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

MEMORANDUM OF DECISION

Philip M. Cyr appeals from a judgment of conviction for one count of sexual abuse of a minor (Class C), 17-A M.R.S. § 254(1)(A-2) (2016), and one count of aggravated furnishing of scheduled drugs (Class C), 17-A M.R.S. § 1105-C(1)(A)(4) (2016), entered by the trial court (Penobscot County, *Mallonee, J.*) following a two-day jury-waived trial.¹ On appeal, Cyr argues that the record contains insufficient evidence to support his conviction.

“When determining whether the record contained enough evidence to support a criminal defendant’s conviction, we view the evidence in the light

¹ Cyr was also convicted of furnishing liquor to a minor (Class D), 28-A M.R.S. § 2081(1)(A)(2) (2016), and was found not guilty of sexual exploitation of a minor (Class B), 17-A M.R.S. § 282(1)(A) (2014) (subsequently amended by P.L. 2015, ch. 394, §§ 1, 2 (effective July 29, 2016) (codified at 17-A M.R.S. § 282(1)(A) (2016))), neither of which is subject to this appeal nor discussed further.

most favorable to the State to determine whether the fact-finder could rationally find every element of the offense beyond a reasonable doubt.” *State v. Sanchez*, 2014 ME 50, ¶ 8, 89 A.3d 1084. “It is the prerogative of the fact-finder to resolve conflicting issues of fact.” *State v. Hodsdon*, 2016 ME 46, ¶ 8, 135 A.3d 816; *see also State v. McBreairty*, 2016 ME 61, ¶ 14, 137 A.3d 1012 (“[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.”).

Given the record developed at trial, there was sufficient evidence for the court to find each of the required elements of sexual abuse of a minor and aggravated furnishing of scheduled drugs beyond a reasonable doubt. Although Cyr raised potential discrepancies and credibility issues with the victim’s testimony, the court adequately explained why it found the evidence credible, and why those potential issues did not rise to the level of reasonable doubt. Such a determination was squarely within the province of the trial court as fact-finder. *See McBreairty*, 2016 ME 61, ¶ 14, 137 A.3d 1012. Given the evidence presented at trial, there was sufficient evidence to support Cyr’s conviction.

The entry is:

Judgment affirmed.

Caitlin Ross Wahrer, Esq., Chester & Vestal, P.A., Portland, for appellant Philip M. Cyr

R. Christopher Almy, District Attorney and Mark A. Rucci, Asst. Dist. Atty., Prosecutorial District V, Bangor, for appellee State of Maine