

STATE OF MAINE

v.

JOHN A. MURANO

Submitted on Briefs November 28, 2018

Decided December 6, 2018

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

MEMORANDUM OF DECISION

John A. Murano appeals from a judgment of conviction of assault (Class D), 17-A M.R.S. § 207(1)(A) (2017), and criminal mischief (Class D), 17-A M.R.S. § 806(1)(A) (2017), entered in the Unified Criminal Docket (Cumberland County, *Horton, J.*) after a nonjury trial. On appeal, Murano contends that there was insufficient evidence to convict him of either charge.

We review the evidence, including all reasonable inferences, in the light most favorable to the State to determine whether the trier of fact rationally could have found, beyond a reasonable doubt, every element of the offenses charged. *See State v. Jeskey*, 2016 ME 134, ¶ 30, 146 A.3d 127. Contrary to Murano's contentions, the court here could have rationally found, beyond a reasonable doubt, all the elements of assault and criminal mischief. *See* 17-A M.R.S. § 207(1)(A); 17-A M.R.S. § 806(1)(A). Murano's arguments fail to recognize that the court, as fact-finder, is permitted to draw any reasonable inferences from the evidence and "selectively accept or reject testimony and to combine such testimony in any way." *State v. Crossman*, 2002 ME 28, ¶ 10, 790 A.2d 603 (quotation marks omitted); *see State v. Spooner*, 666 A.2d 863,

865 (Me. 1995) (“Inconsistencies in a witness’s testimony do not inherently make evidence unreliable or insufficient to support a guilty verdict.”); *see also State v. Filler*, 2010 ME 90, ¶ 24, 3 A.3d 365 (“[A] victim’s testimony, by itself, is sufficient to support a guilty verdict for a sex crime or a violent crime if the testimony addresses each element of the crime and is not inherently incredible.”) (quotation marks omitted).

The entry is:

Judgment affirmed.

Jason A. MacLean, Esq., Bridgton, for appellant John A. Murano

Stephanie Anderson, District Attorney, and Deborah A. Chmielewski, Asst. Dist. Atty., Prosecutorial District No. 2, Portland, for appellee State of Maine

Cumberland County Unified Criminal Docket docket number CR-2015-4913
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