

STATE OF MAINE

v.

TIMOTHY J. RUSSELL

Submitted on Briefs June 26, 2019
Decided July 2, 2019

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

MEMORANDUM OF DECISION

Timothy J. Russell appeals from a judgment of conviction for refusing to submit to arrest (Class D), 17-A § 751-B(1)(B) (2018), and assault (Class D), 17-A § 207(1)(A) (2018), entered by the court (Penobscot County, *Anderson, J.*) after a jury trial. Contrary to Russell's argument, when the evidence is viewed in the light most favorable to the State, there was sufficient evidence from which the jury rationally could have concluded, beyond a reasonable doubt, that Russell refused to submit to arrest and committed an assault. *See State v. Chapman*, 2014 ME 69, ¶ 9, 92 A.3d 358 ("We do not substitute our judgment on the weight and the credibility of the evidence for that of the jury as fact-finder."); *State v. Woodard*, 2013 ME 36, ¶ 19, 68 A.3d 1250; *State v. Blier*, 371 A.2d 1091, 1093 (Me. 1977) ("[I]t is for the jury to determine the credence to be given the witnesses, the weight of their testimony and ultimately to resolve the conflicts in the evidence.").

The entry is:

Judgment affirmed.

Erik T. Crocker, Esq., Farrell, Rosenblatt & Russell, Bangor, for appellant
Timothy J. Russell

Marianne Lynch, District Attorney, Brendan F. Trainor, Asst. Dist. Atty.,
Prosecutorial District V, Bangor, for appellee State of Maine

Penobscot County Unified Criminal Docket docket number CR-2017-1213
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