

STATE OF MAINE

v.

KIRKLEY G. LOWE

Submitted on Briefs July 18, 2019
Decided July 25, 2019

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

MEMORANDUM OF DECISION

Kirkley G. Lowe appeals from a judgment of conviction for domestic violence assault with prior convictions (Class C), 17-A M.R.S. § 207-A(1)(B)(1) (2018),¹ entered in the Unified Criminal Docket (Cumberland County, *Warren, J.*) following a jury trial. Lowe challenges the sufficiency of the evidence supporting his conviction, particularly asserting that the jury should not have credited the testimony of certain State witnesses. We affirm the judgment.

Contrary to Lowe's contentions, the evidence—when viewed in a light most favorable to the State and when considered in light of the defendant's stipulation to the prior conviction—was sufficient to support the jury's finding beyond a reasonable doubt that Lowe committed each element of the offense. *See* 17-A M.R.S. §§ 207(1)(A), 207-A(1)(B)(1) (2018); *see also State v. Hansley*, 2019 ME 35, ¶ 22, 203 A.3d 827 (stating that appellate review “does not intrude

¹ Title 17-A M.R.S. § 207-A(1)(B)(1) has since been amended, though not in any way that affects this present case. *See* P.L. 2019, ch. 412, § 1 (effective June 20, 2019) (to be codified at 17-A M.R.S. § 207-A(1)(B)(1)).

on the jury's role to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts"); *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.").

The entry is:

Judgment affirmed.

James R. Gioia, Esq., Law Office of Peter J. Cyr, Portland, for appellant Kirkley G. Lowe

Jonathan Sahrbeck, District Attorney, and Meghan E. Connelly, Asst. Dist. Atty., Office of the District Attorney, Portland, for appellee State of Maine