

STATE OF MAINE

v.

KEVIN D. CROWLEY

Argued September 7, 2021
Decided September 16, 2021

Panel: STANFILL, C.J., and MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and
CONNORS, JJ.

MEMORANDUM OF DECISION

Kevin Crowley appeals from a judgment of conviction for domestic violence assault (Class C), 17-A M.R.S. § 207-A(1)(B)(1) (2021), and domestic violence terrorizing (Class C), 17-A M.R.S. § 210-B(1)(B)(1) (2021), entered by the trial court (Somerset County, *Mullen, C.J.*) after a jury-waived trial. Crowley argues that—given the expert witnesses’ different opinions regarding whether he suffered from an abnormal condition of the mind at the time of the incident—the trial court did not act rationally when it found him guilty. *See* 17-A M.R.S. § 38 (2021). Although the evidence showed that Crowley “might have been experiencing some psychiatric symptoms,” viewing the evidence in the light most favorable to the State, *State v. Asaad*, 2020 ME 11, ¶ 8, 224 A.3d 596, we conclude that there was sufficient evidence for the trial court to rationally find beyond a reasonable doubt that Crowley acted with the requisite mens rea.¹ *See State v. Graham*, 2015 ME 35, ¶ 28, 113 A.3d 1102;

¹ Because domestic violence terrorizing, 17-A M.R.S. § 210-B (2021), does not prescribe a culpable mental state, the abnormal-condition-of-the-mind defense was unavailable as a matter of law. *See* 17-A M.R.S. § 38 (2021) (“Evidence of an abnormal condition of the mind may raise a reasonable doubt as to the existence of a required culpable state of mind.”); 17-A M.R.S. § 34(4)(B) (2021)

Handrahan v. Malenko, 2011 ME 15, ¶ 14, 12 A.3d 79; *State v. Gallant*, 2004 ME 67, ¶ 4, 847 A.2d 413.

The entry is:

Judgment affirmed.

Seth Berner, Esq. (orally), Portland, for appellant Kevin D. Crowley

Maeghan Maloney, District Attorney, and Amanda Seekins, Asst. Dist. Atty. (orally), Prosecutorial District IV, Augusta, for appellee State of Maine

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(providing that “a culpable mental state need not be proved with respect to . . . [a]ny element of the crime as to which it is expressly stated that it must ‘in fact’ exist”); L.D. 1020, Summary (121st Legis. 2003) (adding the phrase “in fact” to the terrorizing statute “to clarify that no culpable mental state need be proved”); *State v. Porter*, 384 A.2d 429, 433-34 (Me. 1978).