

STATE OF MAINE

v.

DAVID J. SINCLAIR

Submitted on Briefs September 2, 2003
Decided September 10, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
and, CALKINS, JJ.

MEMORANDUM OF DECISION

David J. Sinclair appeals from a judgment of conviction of assault (Class D), 17-A M.R.S.A. § 207(1) (1983), entered after a jury trial in the Superior Court (Oxford County, *Delahanty, J.*). The determination of witness Westcott's credibility as well as the determination of the proper weight to accord witness Gallant's testimony rests solely with the fact-finder. *See State v. McCurdy*, 2002 ME 66, ¶ 10, 795 A.2d 84, 88. Contrary to Sinclair's contention, therefore, the evidence, when viewed in the light most favorable to the State, was sufficient for

the fact-finder to rationally find each element of the offense beyond a reasonable doubt. *See id.*

The entry is:

Judgment affirmed.

Attorneys for State:

Norman R. Croteau, District Attorney
Richard R. Beauchesne, Asst. Dist. Atty.
P O Box 179
South Paris, ME 04281

Attorney for defendant:

Maurice Porter, Esq.
P O Box 184
Norway, ME 04268-0184