

STATE OF MAINE

v.

ROBERT G. MIDDLETON

Submitted on Briefs September 25, 2003  
Decided October 9, 2003

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

MEMORANDUM OF DECISION

Robert Middleton appeals from judgments of conviction for two counts of unlawful sexual contact (Class C) in violation of 17-A M.R.S.A. § 255(1)(C) (Supp. 2002), and one count of assault (Class D) in violation of 17-A M.R.S.A. § 207(1) (1983), following a jury-waived trial in the Superior Court (Knox, *Mead, J.*). Contrary to Middleton's contentions, the court did not apply an improper standard of proof in making its finding that Middleton was guilty on both counts. *See State v. Barnard*, 2001 ME 80, ¶¶ 13, 15, 772 A.2d 852, 858 (vacating post-verdict judgment of acquittal and noting that the determination of witness credibility is the sole province of the fact-finder and that proof beyond a reasonable

doubt may rest on a single witness's testimony). In addition, there was sufficient evidence to sustain a guilty verdict on all counts, *see State v. Walker*, 506 A.2d 1143, 1149 (Me. 1986) (noting uncorroborated testimony of the victim may support a guilty verdict unless it is "contradictory, unreasonable, or incredible"); and the court did not err in limiting the cross-examination of the victim's mother, *see* M.R. Evid. 103(a)(2) (stating that a ruling excluding evidence is not made in error unless "the substance of the evidence was made known to the court by offer or was apparent from the context within which questions were asked").

The entry is:

Judgments affirmed.

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