

STATE OF MAINE

v.

LYNN A. ASSELIN

Submitted on Briefs October 23, 2003

Decided October 28, 2003

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

MEMORANDUM OF DECISION

Lynn A. Asselin appeals from a judgment of the District Court (Lewiston, *McElwee, J.*) finding him guilty of theft (Class E), 17-A M.R.S.A. § 353(1) (1983), *amended by* 17-A M.R.S.A. § 353(1)(A) (Supp. 2002). Contrary to Asselin's first contention, although the complaint referred to unauthorized control over a "cat" rather than a "cat carcass," it adequately apprised Asselin of the act charged. *See State v. Radley*, 2002 ME 150, ¶ 11, 804 A.2d 1127, 1130-31. Second, the court did not err by denying Asselin's motion for a judgment of acquittal because the evidence, when viewed in the light most favorable to the State, was sufficient for a

fact-finder to rationally find each element of theft beyond a reasonable doubt. *See State v. Willette*, 2002 ME 165, ¶ 7, 809 A.2d 617, 620.

The entry is:

Judgment affirmed.

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