

STATE OF MAINE

v.

RITA A. DEVITO

Submitted on Briefs October 23, 2003
Decided October 31, 2003

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

MEMORANDUM OF DECISION

Rita A. DeVito appeals from a judgment entered in the Superior Court (Penobscot County, *Mead, J.*) convicting her of theft (Class C), 17-A M.R.S.A. § 353(1) (1983); and disorderly conduct (Class E), 17-A M.R.S.A. § 501(2) (1983). Contrary to DeVito's contentions, the trial court neither committed obvious error in its instructions to the jury, *see State v. Barnard*, 2003 ME 79, ¶ 13, 828 A.2d 216, 220, nor in denying DeVito's motion to acquit her of the charge of disorderly conduct. *Id.* ¶ 20. A jury could have rationally concluded that DeVito's obstruction of traffic and attempts to enter passing vehicles had "a direct tendency

to cause a violent response by an ordinary person.” 17-A M.R.S.A. § 501(2)
(1983).

The entry is:

Judgment affirmed.

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